

EXHIBIT C

1
2 UNITED STATES DISTRICT COURT

3 SOUTHERN DISTRICT OF NEW YORK

4 Case No.: 1:21-cv-08732-JMF

5 - - - - -x

6 JOSEPH PASQUARELLO,

7 Plaintiff,

8 v.

9 CROTHALL HEALTHCARE, INC. and MICHAEL
10 ROCHE,

11 Defendants.

12 - - - - -x

13 Zoom Videoconference Deposition

14 August 5, 2022

15 10:16 a.m.

16 VIRTUAL DEPOSITION of MICHAEL ROCHE,
17 the Defendant and 30(b)(6) Witness, in the
18 above-entitled action, held at the above
19 time and place via Zoom Videoconference,
20 taken before Melissa Coreas, a Shorthand
21 Reporter and Notary Public of the State of
22 New York, pursuant to the Federal Rules of
23 Civil Procedure, Notice, and stipulations
24 between Counsel.

25 * * *

<p style="text-align: right;">Page 2</p> <p>1 2 APPEARANCES VIA ZOOM VIDEOCONFERENCE: 3 4 JOSEPH & KIRSCHENBAUM, LLP 5 Attorneys for Plaintiff 6 32 Broadway 7 Suite 601 8 New York, New York 10004 9 10 BY: LEAH SELIGER, ESQ. 11 12 LITTLER MENDELSON, P.C. 13 Attorneys for Defendants 14 900 Third Avenue 15 New York, New York 10022 16 BY: SHAWN MATTHEW CLARK, ESQ. & ZACK 17 SHARPE, ESQ. 18 File #: 024778.1655 19 20 21 22 23 24 25</p> <p style="text-align: center;">* * *</p>	<p style="text-align: right;">Page 4</p> <p>1 2 THE COURT REPORTER: Due to the 3 need for this deposition to take place 4 remotely, the parties will stipulate 5 that the court reporter may swear in 6 the witness over Zoom Videoconference 7 and that the witness has verified that 8 he is, in fact, Michael Roche. 9 MR. CLARK: Yep. Defendants so 10 stipulate. 11 MR. SHARPE: Defendants so 12 stipulate. 13 MS. SELIGER: Plaintiff so 14 stipulates. 15 MICHAEL ROCHE, the Witness 16 herein, having first been duly sworn by 17 the Notary Public, was examined and 18 testified as follows: 19 BY THE 20 COURT REPORTER: 21 Q. Please state your full name for 22 the record. 23 A. Michael Roche. 24 Q. Please state your address for 25 the record.</p>
<p style="text-align: right;">Page 3</p> <p>1 2 STIPULATIONS 3 IT IS HEREBY STIPULATED AND AGREED, by 4 and among counsel for the respective 5 parties hereto, that the filing, sealing 6 and certification of the within deposition 7 shall be and the same are hereby waived; 8 IT IS FURTHER STIPULATED AND AGREED 9 that all objections, except as to form of 10 the question, shall be reserved to the 11 time of the trial; 12 IT IS FURTHER STIPULATED AND AGREED 13 that the within deposition may be signed 14 before any Notary Public with the same 15 force and effect as if signed and sworn to 16 before the Court. 17 * * * 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 5</p> <p>1 2 A. 468 Belden Hill Road, Wilton, 3 Connecticut 06897. 4 EXAMINATION BY 5 MS. SELIGER: 6 Q. So Mr. Roche, is it Roesch 7 (phonetic) or Roach (phonetic)? 8 A. Roach (phonetic). 9 Q. Okay. Have you ever been 10 deposed before? 11 A. No. 12 Q. So Melissa took some of my work 13 away. She already gave you some of the 14 instructions I intended to give you, but 15 I'm going to go through my usual 16 instructions just to make sure we're all 17 on the same page. 18 I'm going to be asking you a 19 number of questions today, and the court 20 reporter is going to be taking down 21 everything we say. So because she's 22 transcribing this, it's important that all 23 of your responses be oral, verbal 24 responses. She cannot record any nods or 25 gestures. Do you understand this?</p>

<p style="text-align: right;">Page 6</p> <p>1 M. ROCHE</p> <p>2 A. (No verbal response given.)</p> <p>3 Q. Are you nodding yes to that?</p> <p>4 A. I said yes.</p> <p>5 Q. Oh, okay. Sorry. I didn't hear</p> <p>6 the sound. The court reporter has sworn</p> <p>7 you in and you're answering all questions</p> <p>8 under oath today. Do you understand that</p> <p>9 you have the same obligation to tell the</p> <p>10 truth and are subject to the same</p> <p>11 penalties for perjury as if you were</p> <p>12 testifying in court?</p> <p>13 A. Yes, I do.</p> <p>14 Q. If you don't understand a</p> <p>15 question that I ask, please let me know,</p> <p>16 and I'll rephrase it. If you answer the</p> <p>17 question, I will assume that you</p> <p>18 understood it. Does that make sense?</p> <p>19 A. Yes.</p> <p>20 Q. As Melissa said, let me finish</p> <p>21 asking the question before you answer it,</p> <p>22 and I will also make sure to let you</p> <p>23 finish your answers before I start.</p> <p>24 If you need a break at any time</p> <p>25 today, please let us know. I'm sure we</p>	<p style="text-align: right;">Page 8</p> <p>1 M. ROCHE</p> <p>2 you understand this instruction?</p> <p>3 A. Yes.</p> <p>4 Q. Are you currently taking any</p> <p>5 medications that may impair your ability</p> <p>6 to testify truthfully today?</p> <p>7 A. No.</p> <p>8 Q. Is there any other reason why</p> <p>9 you may not be able to testify truthfully</p> <p>10 today?</p> <p>11 A. No.</p> <p>12 Q. Are you currently taking any</p> <p>13 medications that may impair your memory?</p> <p>14 A. No.</p> <p>15 Q. Is there any other reason that</p> <p>16 your memory may be impaired today?</p> <p>17 A. No.</p> <p>18 Q. Have you ever been a party to a</p> <p>19 lawsuit?</p> <p>20 A. No.</p> <p>21 Q. Without revealing any</p> <p>22 attorney-client communications, what, if</p> <p>23 anything, did you do to prepare for this</p> <p>24 deposition?</p> <p>25 A. I had a prep call yesterday.</p>
<p style="text-align: right;">Page 7</p> <p>1 M. ROCHE</p> <p>2 can accommodate breaks, and we'll</p> <p>3 certainly need them. I just ask that if a</p> <p>4 question is pending, if I've already asked</p> <p>5 a question, please answer the question</p> <p>6 first and then we can go on the break.</p> <p>7 Does that make sense?</p> <p>8 A. Yes.</p> <p>9 Q. Also, you may talk to your</p> <p>10 lawyer before a question is asked or after</p> <p>11 you've answered a question, but not while</p> <p>12 a question is pending; is that clear?</p> <p>13 A. Yes.</p> <p>14 THE COURT REPORTER: Mr. Roche,</p> <p>15 you got a little low there. I don't</p> <p>16 know if it was, you know, the audio or</p> <p>17 anything like that, but just try and</p> <p>18 keep your voice nice and loud. But I</p> <p>19 did hear the "yes."</p> <p>20 THE WITNESS: Sure. Yes.</p> <p>21 Q. During this deposition, your</p> <p>22 attorney may object to my questions;</p> <p>23 however, unless he specifically instructs</p> <p>24 you not to answer a question, you must</p> <p>25 answer even if your attorney objects. Do</p>	<p style="text-align: right;">Page 9</p> <p>1 M. ROCHE</p> <p>2 Q. And did you review any documents</p> <p>3 in preparation for the deposition?</p> <p>4 A. Briefly, yes.</p> <p>5 Q. Did you bring any documents with</p> <p>6 you to this deposition?</p> <p>7 A. No.</p> <p>8 Q. Did you talk to anyone other</p> <p>9 than your attorneys about the deposition?</p> <p>10 A. Yes.</p> <p>11 Q. Who was that?</p> <p>12 A. My wife.</p> <p>13 Q. Today, you are here testifying</p> <p>14 in both your personal capacity and as</p> <p>15 Crothall's -- Crothall Healthcare's</p> <p>16 30(b)(6) witness; is that correct?</p> <p>17 A. Yes.</p> <p>18 Q. One last thing for my</p> <p>19 preliminary questions. I'm going to be</p> <p>20 referring to the plaintiff in this case as</p> <p>21 Plaintiff or Joe Pasquarello or Joe. If</p> <p>22 at any time I ask a question and you're</p> <p>23 not sure who I'm referring to, please tell</p> <p>24 me that you need clarification before you</p> <p>25 answer. Is that -- is that clear?</p>

<p style="text-align: right;">Page 10</p> <p>1 M. ROCHE</p> <p>2 A. Yes.</p> <p>3 Q. Okay. Great. Let's start at</p> <p>4 the very beginning. Do you have a college</p> <p>5 degree?</p> <p>6 A. Yes.</p> <p>7 Q. What did you study in college?</p> <p>8 A. Mechanical engineering.</p> <p>9 Q. Do you have any advanced</p> <p>10 degrees?</p> <p>11 A. No.</p> <p>12 Q. Do you have any fire safety</p> <p>13 training?</p> <p>14 A. Yes.</p> <p>15 Q. What is that training?</p> <p>16 A. I've received certificates of</p> <p>17 fitness, as well as training through</p> <p>18 Crothall when I started with the company.</p> <p>19 Q. What was that training with the</p> <p>20 company?</p> <p>21 A. It's called Foundations.</p> <p>22 Q. And what do they teach or train</p> <p>23 you on in Foundations?</p> <p>24 A. They train us on the Fire Safety</p> <p>25 program, how it's supposed to be run, and</p>	<p style="text-align: right;">Page 12</p> <p>1 M. ROCHE</p> <p>2 from an engineering standpoint, what the</p> <p>3 requirements are, and it teaches the --</p> <p>4 our training systems, such as TeamOps.</p> <p>5 Q. Okay. And what is TeamOps?</p> <p>6 A. TeamOps is a program that we use</p> <p>7 to track all of our work orders.</p> <p>8 Q. And I'm sure we'll talk about</p> <p>9 this later, but what is TeamDocs [sic]?</p> <p>10 A. TeamDocs is a newer program that</p> <p>11 is used to house all of our documents and</p> <p>12 our records.</p> <p>13 Q. And do you receive training on</p> <p>14 TeamDocs as well at -- at this program</p> <p>15 you've been describing?</p> <p>16 A. I did not because TeamDocs did</p> <p>17 not exist at the time that I went through</p> <p>18 the program.</p> <p>19 Q. And now, would that program</p> <p>20 include training on TeamDocs?</p> <p>21 A. It would likely include that,</p> <p>22 although that program is -- has not</p> <p>23 restarted since COVID because we're still</p> <p>24 not able to gather together in a</p> <p>25 conference room setting.</p>
<p style="text-align: right;">Page 11</p> <p>1 M. ROCHE</p> <p>2 what code requirements to follow.</p> <p>3 Q. And who participates in that</p> <p>4 program, in that training program?</p> <p>5 A. The managers that start with</p> <p>6 Crothall, as well as senior leadership and</p> <p>7 subject matter experts.</p> <p>8 Q. Those different people you just</p> <p>9 described, are you referring to those</p> <p>10 people within the Facilities Management</p> <p>11 division?</p> <p>12 A. Yes.</p> <p>13 Q. Is it anyone beyond Facilities</p> <p>14 Management?</p> <p>15 A. No.</p> <p>16 Q. Can you remind me what the name</p> <p>17 of that training is? I'm sorry. I</p> <p>18 forgot.</p> <p>19 A. Foundations.</p> <p>20 Q. Foundations. And is there</p> <p>21 anything else that's taught in that course</p> <p>22 or -- or training program?</p> <p>23 A. Yes.</p> <p>24 Q. What else?</p> <p>25 A. Teaches how our program is run</p>	<p style="text-align: right;">Page 13</p> <p>1 M. ROCHE</p> <p>2 Q. Got it. What is your current</p> <p>3 job title?</p> <p>4 A. I have two current job titles.</p> <p>5 I have a title from Mount Sinai Hospital,</p> <p>6 and I have a title from Crothall</p> <p>7 Healthcare.</p> <p>8 Q. Can you tell me what your title</p> <p>9 is under each organization?</p> <p>10 A. Yes. For Mount Sinai, I'm a</p> <p>11 senior director of engineering. For</p> <p>12 Crothall, I'm a regional director of</p> <p>13 operations.</p> <p>14 Q. Okay. And how long have you</p> <p>15 held these positions? Or -- or those</p> <p>16 current titles, I should say?</p> <p>17 A. Those are current.</p> <p>18 Q. Since when?</p> <p>19 A. I've been a senior director for</p> <p>20 approximately four years, and I've been a</p> <p>21 regional director of operations for</p> <p>22 approximately three months.</p> <p>23 Q. And prior to being a regional</p> <p>24 director of operations, what was your</p> <p>25 title?</p>

4 (Pages 10 - 13)

<p style="text-align: right;">Page 14</p> <p>1 M. ROCHE</p> <p>2 A. My title was resident regional</p> <p>3 manager.</p> <p>4 Q. Okay. And do you have separate</p> <p>5 job responsibilities under each title?</p> <p>6 A. There's separate requirements on</p> <p>7 the Crothall side in terms of finance, but</p> <p>8 beyond that, they are -- they're mirrored;</p> <p>9 same oversight responsibilities.</p> <p>10 Q. And what were the titles you had</p> <p>11 from both organizations when Plaintiff was</p> <p>12 employed at Crothall?</p> <p>13 A. Mount Sinai, I was still the</p> <p>14 senior director of engineering, and from</p> <p>15 Crothall, I was the two titles already</p> <p>16 mentioned.</p> <p>17 Q. You had two titles from Crothall</p> <p>18 during Mr. Pasquarello's tenure?</p> <p>19 A. Excuse me. No. Let me retract</p> <p>20 that. My recent title change was -- was</p> <p>21 very recent. I was the resident regional</p> <p>22 manager during Pasquarello's tenure.</p> <p>23 Q. Okay. And have -- have your</p> <p>24 actual responsibilities changed since you</p> <p>25 got that new title you -- I think you said</p>	<p style="text-align: right;">Page 16</p> <p>1 M. ROCHE</p> <p>2 for a period of time, Doug Rome, Richard</p> <p>3 Cannata. I believe that's it.</p> <p>4 Q. Okay. And are you responsible</p> <p>5 for writing performance evaluations for</p> <p>6 your direct reports?</p> <p>7 A. I am, yes.</p> <p>8 Q. And do you write them for anyone</p> <p>9 other than your -- do you write</p> <p>10 performance evaluations for anyone other</p> <p>11 than your direct reports?</p> <p>12 A. I do not. There may be a time</p> <p>13 where I would provide guidance or feedback</p> <p>14 on a lower level manager, but I would not</p> <p>15 be -- that would not be required. Only as</p> <p>16 needed.</p> <p>17 Q. Okay. And do you make decisions</p> <p>18 with respect to compensation amounts for</p> <p>19 your direct reports?</p> <p>20 A. Decisions when staffing -- when</p> <p>21 there is a new hire? Yes.</p> <p>22 Q. Do you make decisions with</p> <p>23 respect to compensation for employees who</p> <p>24 are not directly reporting to you, but may</p> <p>25 be a level down or -- or even further down</p>
<p style="text-align: right;">Page 15</p> <p>1 M. ROCHE</p> <p>2 three months ago?</p> <p>3 A. Yes, they have.</p> <p>4 Q. Okay. So can you describe to me</p> <p>5 what your responsibilities were, but</p> <p>6 during the time that Mr. Pasquarello was</p> <p>7 employed?</p> <p>8 A. I'm responsible for or I was</p> <p>9 responsible for all aspects of Engineering</p> <p>10 and Fire Safety, oversight of</p> <p>11 approximately five million square feet and</p> <p>12 approximately a hundred million dollar a</p> <p>13 year operational budget with a \$40 million</p> <p>14 capital budget all rolling up in the two</p> <p>15 hospitals; Mount Sinai Hospital and Mount</p> <p>16 Sinai Queens, approximately 160 union</p> <p>17 employees, and approximately 34 Crothall</p> <p>18 employees reporting up through me.</p> <p>19 Q. Got it. And how many employees</p> <p>20 were you directly supervising at that</p> <p>21 time?</p> <p>22 A. Around six.</p> <p>23 Q. Do you recall who they were?</p> <p>24 A. At that time, Joe Pasquarello,</p> <p>25 Ryan Nowicki, Robert Denver, Omelfi Garcia</p>	<p style="text-align: right;">Page 17</p> <p>1 M. ROCHE</p> <p>2 the chain?</p> <p>3 A. Not regularly, but it would not</p> <p>4 be uncommon for a manager to ask my</p> <p>5 opinion.</p> <p>6 Q. Okay. Were you involved in the</p> <p>7 decision regarding compensation for Joe</p> <p>8 Pasquarello when he was hired?</p> <p>9 MR. CLARK: Objection to form.</p> <p>10 You can answer.</p> <p>11 A. Yes.</p> <p>12 Q. Were you -- were you involved in</p> <p>13 the decision regarding the compensation</p> <p>14 offered to Matt Bond when he reported to</p> <p>15 you?</p> <p>16 A. Yes.</p> <p>17 Q. Were you involved in the</p> <p>18 decisions regarding compensation for Ryan</p> <p>19 Nowicki?</p> <p>20 A. No.</p> <p>21 THE COURT REPORTER: I'm sorry,</p> <p>22 sir. Your answer was "no"?</p> <p>23 THE WITNESS: That's correct.</p> <p>24 My answer was "no."</p> <p>25 THE COURT REPORTER: Thank you.</p>

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<p style="text-align: right;">Page 18</p> <p>1 M. ROCHE</p> <p>2 Q. Were you involved in</p> <p>3 compensation decisions regarding</p> <p>4 compensation for Doug Rome?</p> <p>5 A. Yes.</p> <p>6 Q. Sorry. I'm trying to remember</p> <p>7 the names you said. Were you involved in</p> <p>8 decisions regarding a compensation amount</p> <p>9 for Bobby Denver?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. And you mentioned that</p> <p>12 you oversee two hospitals. What -- what</p> <p>13 were the two hospitals that you mentioned?</p> <p>14 A. Mount Sinai Hospital and Mount</p> <p>15 Sinai Queens.</p> <p>16 Q. Okay. And how many actual</p> <p>17 buildings comprise the Mount Sinai</p> <p>18 Hospital system?</p> <p>19 MR. CLARK: Objection to form.</p> <p>20 A. There are -- there are 6</p> <p>21 healthcare buildings, and in total,</p> <p>22 including real estate, there are</p> <p>23 approximately 14 buildings.</p> <p>24 Q. Okay. And with respect to Mount</p> <p>25 Sinai Queens, how many buildings are part</p>	<p style="text-align: right;">Page 20</p> <p>1 M. ROCHE</p> <p>2 A. Currently, there are 18</p> <p>3 positions. When Joe started, there were I</p> <p>4 believe 12.</p> <p>5 Q. And when he left, how many were</p> <p>6 there?</p> <p>7 A. I believe we were budgeted for</p> <p>8 18. I don't think they were all filled at</p> <p>9 the time, but we were recruiting for 18.</p> <p>10 Q. And in Mount Sinai Queens, do</p> <p>11 you know how many fire marshals are</p> <p>12 employed there?</p> <p>13 A. Yes.</p> <p>14 Q. How many are there?</p> <p>15 A. There are six.</p> <p>16 Q. Okay. Is that because it's a</p> <p>17 fewer number of buildings?</p> <p>18 A. Yes.</p> <p>19 Q. When did you start working at</p> <p>20 Crothall?</p> <p>21 A. Two thousand thirteen.</p> <p>22 Q. And what other titles have you</p> <p>23 had since -- since you've started at the</p> <p>24 company?</p> <p>25 A. I started as an operations</p>
<p style="text-align: right;">Page 19</p> <p>1 M. ROCHE</p> <p>2 of that system?</p> <p>3 MR. CLARK: Objection to form.</p> <p>4 A. Mount Sinai Queens has two</p> <p>5 hospital buildings and approximately four</p> <p>6 off-site clinics.</p> <p>7 Q. So is the -- the facilities</p> <p>8 management services that you oversee, do</p> <p>9 you over -- sorry. Do those facilities</p> <p>10 management services address all of the</p> <p>11 buildings that you just described in Mount</p> <p>12 Sinai Hospital?</p> <p>13 A. Yes.</p> <p>14 Q. And the same for Mount Sinai</p> <p>15 Queens?</p> <p>16 MR. CLARK: Objection to form.</p> <p>17 A. Yes.</p> <p>18 Q. And do you know how many</p> <p>19 buildings -- I know you don't oversee</p> <p>20 Mount Sinai Beth Israel, but do you know</p> <p>21 how many buildings are part of that</p> <p>22 hospital?</p> <p>23 A. No.</p> <p>24 Q. How many fire marshals are</p> <p>25 employed at Mount Sinai Hospital?</p>	<p style="text-align: right;">Page 21</p> <p>1 M. ROCHE</p> <p>2 manager. I was promoted to the director</p> <p>3 of engineering for the School of Medicine.</p> <p>4 I was then promoted to the director of</p> <p>5 engineering for the hospital, and I was</p> <p>6 then promoted to senior director of</p> <p>7 engineering for the campus. And then I</p> <p>8 was promoted to that same role, senior</p> <p>9 director of engineering for the campus,</p> <p>10 with additional oversight of Mount Sinai</p> <p>11 Queens.</p> <p>12 Q. So when you say "the campus," is</p> <p>13 that referring to Mount Sinai Hospital?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And how old are you?</p> <p>16 A. Thirty-four.</p> <p>17 Q. And when Joe Pasquarello worked</p> <p>18 at Crothall, I think you may have said</p> <p>19 this already, but were you his direct</p> <p>20 supervisor?</p> <p>21 A. Yes, I was.</p> <p>22 Q. And what was Joe Pasquarello's</p> <p>23 title when he was working at Crothall?</p> <p>24 A. Joe was the assistant director</p> <p>25 of fire safety.</p>

<p style="text-align: right;">Page 22</p> <p>1 M. ROCHE</p> <p>2 Q. Are you aware of any employees</p> <p>3 at Crothall other than Joe Pasquarello</p> <p>4 that have filed internal complaints</p> <p>5 against you?</p> <p>6 A. Are you asking for the whole --</p> <p>7 my -- throughout my duration within --</p> <p>8 with the company?</p> <p>9 Q. Yes.</p> <p>10 A. Then, yes, I am.</p> <p>11 Q. Who were those employees?</p> <p>12 A. Celeste Valentine.</p> <p>13 Q. Sorry. I didn't hear.</p> <p>14 A. Her name was Celeste Valentine.</p> <p>15 Q. And do you remember</p> <p>16 approximately when that was?</p> <p>17 A. I believe it was around 2015,</p> <p>18 but I do not remember the specifics of it.</p> <p>19 Q. Do you remember what her</p> <p>20 complaint was?</p> <p>21 A. I know she has a long history of</p> <p>22 progressive counselings. I believe she</p> <p>23 put a complaint -- filed a complaint</p> <p>24 against me. The only thing that I</p> <p>25 remember related to it was that it was</p>	<p style="text-align: right;">Page 24</p> <p>1 M. ROCHE</p> <p>2 Q. When Joe Pasquarello was at</p> <p>3 Crothall, how often did the two of you</p> <p>4 interact in person per week?</p> <p>5 A. Daily.</p> <p>6 Q. Did you also speak on the phone?</p> <p>7 A. As needed.</p> <p>8 Q. And did you also e-mail each</p> <p>9 other?</p> <p>10 A. Yes, as needed.</p> <p>11 Q. So most frequently, your</p> <p>12 interaction was in person; is that</p> <p>13 correct?</p> <p>14 A. I don't know that that was any</p> <p>15 more frequent than e-mail, but it was not</p> <p>16 uncommon to interact in any of those</p> <p>17 forms.</p> <p>18 Q. Okay. And did you write Joe</p> <p>19 Pasquarello's performance reviews?</p> <p>20 A. Joe Pasquarello only had one</p> <p>21 performance review due to the length of</p> <p>22 time he was with the company, but yes, I</p> <p>23 wrote that one review.</p> <p>24 Q. Okay. And were there any other</p> <p>25 places where you documented your</p>
<p style="text-align: right;">Page 23</p> <p>1 M. ROCHE</p> <p>2 investigated, and it was determined to be</p> <p>3 unfounded.</p> <p>4 Q. And do you know if her history</p> <p>5 of progressive counselings are performance</p> <p>6 related?</p> <p>7 A. They're both performance and</p> <p>8 attendance.</p> <p>9 Q. Okay. And was there any other</p> <p>10 employee who filed an internal complaint</p> <p>11 against you?</p> <p>12 A. Not that I'm aware of, no.</p> <p>13 Q. Do you recall an employee named</p> <p>14 Cortland Stat (phonetic)?</p> <p>15 A. Yes.</p> <p>16 Q. Do you recall whether he filed a</p> <p>17 complaint against you?</p> <p>18 A. Yes. I do believe he did. He's</p> <p>19 another person who had a long history of</p> <p>20 counseling. I was not his direct manager,</p> <p>21 and I believe that it was also related to</p> <p>22 a counseling.</p> <p>23 Q. Have you ever been issued a</p> <p>24 progressive counseling while at Crothall?</p> <p>25 A. No, I have not.</p>	<p style="text-align: right;">Page 25</p> <p>1 M. ROCHE</p> <p>2 assessments of his performance?</p> <p>3 MR. CLARK: Objection to form.</p> <p>4 You can answer.</p> <p>5 A. Multiple e-mails that made it</p> <p>6 clear that he was not meeting</p> <p>7 expectations.</p> <p>8 Q. I missed the first part of that.</p> <p>9 Did you say "in multiple e-mails"?</p> <p>10 A. Yes. In multiple e-mails, I</p> <p>11 made clear to him that he was not meeting</p> <p>12 expectations.</p> <p>13 Q. And were all of the e-mails that</p> <p>14 you're referring to produced to us during</p> <p>15 the discovery period?</p> <p>16 A. Yes.</p> <p>17 Q. Are there any other places where</p> <p>18 you documented your assessment of his</p> <p>19 performance?</p> <p>20 MR. CLARK: Objection to form.</p> <p>21 You can answer.</p> <p>22 A. Documented? Maybe not. We used</p> <p>23 to have weekly one-on-one meetings where</p> <p>24 we reviewed his performance, we reviewed</p> <p>25 the expectations, and we reviewed what</p>

7 (Pages 22 - 25)

<p style="text-align: right;">Page 26</p> <p>1 M. ROCHE</p> <p>2 needed to be completed.</p> <p>3 There were times where I took</p> <p>4 notes on those documents, but they were</p> <p>5 certainly not all inclusive of everything</p> <p>6 we discussed and probably did not document</p> <p>7 the fact that he was not meeting -- it was</p> <p>8 mostly a verbal communication at that</p> <p>9 point.</p> <p>10 Q. When you say "verbal," you mean</p> <p>11 oral?</p> <p>12 A. Correct.</p> <p>13 Q. Do you recall if you ever wrote</p> <p>14 notes on -- on your -- or wrote notes</p> <p>15 during those weekly one-on-ones that did</p> <p>16 refer to Joe's failure to perform?</p> <p>17 A. I don't recall. I do recall</p> <p>18 writing notes about having to extend</p> <p>19 deadlines. I don't recall about if it was</p> <p>20 specifically related to his performance.</p> <p>21 Q. And were those notes about</p> <p>22 having to extend deadlines produced to us?</p> <p>23 A. (Inaudible.)</p> <p>24 THE COURT REPORTER: Can you</p> <p>25 repeat your answer, sir? It kind of</p>	<p style="text-align: right;">Page 28</p> <p>1 M. ROCHE</p> <p>2 of Joe and his failure to do things or</p> <p>3 were they extended because of failures of</p> <p>4 other people within Fire Safety or</p> <p>5 elsewhere?</p> <p>6 MR. CLARK: Objection to form.</p> <p>7 You can answer.</p> <p>8 A. I think there's cases of both.</p> <p>9 Q. And I know we'll get to this</p> <p>10 later, but I believe Joe was counseled</p> <p>11 regarding your belief that he wasn't</p> <p>12 meeting deadlines; is that correct?</p> <p>13 A. That was one of a number of</p> <p>14 things that he was counseled on.</p> <p>15 Q. Were the other people who were</p> <p>16 not meeting deadlines also counseled about</p> <p>17 that?</p> <p>18 A. That would have been Joe's</p> <p>19 responsibility, assuming they were</p> <p>20 within -- with -- assuming they were his</p> <p>21 direct reports.</p> <p>22 Q. And would you want him to</p> <p>23 counsel them if they were not meeting</p> <p>24 deadlines?</p> <p>25 A. If their performance deemed a</p>
<p style="text-align: right;">Page 27</p> <p>1 M. ROCHE</p> <p>2 cut out.</p> <p>3 A. Yes.</p> <p>4 Q. And you said the notes weren't</p> <p>5 specifically related to Joe's performance;</p> <p>6 is that correct?</p> <p>7 A. Yes. The notes were not full</p> <p>8 sentences. They were not meant to be</p> <p>9 turned over to anybody. They were for me</p> <p>10 to notate what was going on at that time.</p> <p>11 Q. And the need to extend</p> <p>12 deadlines, were those related to Joe's</p> <p>13 performance or someone else's performance?</p> <p>14 MR. CLARK: Objection to form.</p> <p>15 You can answer.</p> <p>16 A. Everything we discussed in that</p> <p>17 meeting was related to Joe's performance.</p> <p>18 Q. So you did not discuss the</p> <p>19 performance of any other individuals</p> <p>20 during your weekly one-on-one meetings?</p> <p>21 A. If they were within Fire Safety,</p> <p>22 yes. We discussed the entire department,</p> <p>23 so there were times where other people may</p> <p>24 have been discussed.</p> <p>25 Q. Were deadlines extended because</p>	<p style="text-align: right;">Page 29</p> <p>1 M. ROCHE</p> <p>2 counseling, then as a manager, he should</p> <p>3 have counseled them.</p> <p>4 Q. And if Joe wanted to do that,</p> <p>5 would you support that and stand by it?</p> <p>6 MR. CLARK: Objection to form.</p> <p>7 You can answer.</p> <p>8 A. Yes.</p> <p>9 Q. Did you document your perception</p> <p>10 of Joe's performance in progressive</p> <p>11 counselings?</p> <p>12 A. The progressive counselings were</p> <p>13 related to specific events and the failure</p> <p>14 to complete them.</p> <p>15 Q. And whose failure to complete</p> <p>16 them?</p> <p>17 A. In this case, Joe's failure to</p> <p>18 complete them.</p> <p>19 Q. And we will also talk about this</p> <p>20 later, but I believe you issued Joe a</p> <p>21 performance improvement plan; is that</p> <p>22 correct?</p> <p>23 A. Yes.</p> <p>24 Q. And was the performance</p> <p>25 improvement plan based on your assessment</p>

8 (Pages 26 - 29)

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1 M. ROCHE
2 of Joe's performance?
3 A. The performance improvement plan
4 was based on my assessment of Joe's
5 individual performance, as well as the
6 Fire Safety performance and just overall
7 managerial skills.
8 Q. So you issued Joe Pasquarello a
9 PIP for both his performance and the
10 performance of the overall Fire Safety
11 Department; is that what you are saying?
12 A. I'm saying that Joe was in
13 charge of the Fire Safety Department and
14 is responsible to a degree of the actions
15 of his direct reports.
16 Q. So was any part of that
17 performance improvement plan connected
18 with the actions of his direct reports?
19 MR. CLARK: Objection to form.
20 You can answer.
21 A. Joe's performance improvement
22 plan was given to him and it was intended
23 for him to respond and be responsible for
24 the items on that list. If he deemed it
25 appropriate to have his direct reports

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1 M. ROCHE
2 complete those tasks, then I -- I think
3 he's putting -- that was his decision, but
4 he was also responsible for ensuring that
5 they did get completed as required by the
6 improvement plan.
7 Q. I'm not sure I understand what
8 you're saying. Just -- I'll tell you what
9 I've understood; that he was issued a
10 performance improvement plan and it was
11 based on your assessment of his individual
12 performance and the overall performance of
13 the Fire Safety Department; is that
14 correct?
15 A. What I'm saying is that the
16 improvement plan was given to him with
17 actions that I expected him to complete.
18 If he took the -- if he made a decision to
19 have direct reports complete them and,
20 therefore, they did not get complete,
21 that's still a failure of him to complete
22 those actions.
23 Q. At the time you issued him the
24 performance improvement plan, did he have
25 any direct reports?

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1 M. ROCHE
2 A. There was a lot of transition
3 during that period. I'm not sure if I
4 can -- I don't know if he did or did not.
5 He had -- prior to that, he did, and some
6 of the people were transferred out.
7 Q. Okay. So would you say that
8 between the progressive counselings that
9 were issued to him by you, the performance
10 improvement plan, your annual review of
11 his performance, and your conversations
12 with him in your weekly one-on-one
13 meetings, that that is the body of
14 documentation for your assessment of his
15 performance?
16 MR. CLARK: Objection to form.
17 A. I think it excludes a lot of
18 verbal communication that occurred in that
19 time frame. But in terms of
20 documentation, that, as well as e-mails
21 and everything that we provided, would
22 provide a -- a good overview of his
23 performance.
24 Q. Okay. So in terms of written
25 documentation, you have provided all of

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1 M. ROCHE
2 that that reflects Joe's performance while
3 at Crothall?
4 A. We have provided everything that
5 has been requested.
6 Q. Is there anything we -- well, we
7 requested everything related to his
8 performance, so is there anything --
9 strike that.
10 Is there anything related to his
11 performance that has not been produced?
12 A. Not that I'm aware of.
13 MS. SELIGER: I'd like to --
14 Shawn, did you receive the exhibits
15 from me in multiple e-mails?
16 MR. CLARK: I did.
17 MS. SELIGER: Okay. Is it
18 possible to e-mail them to Mr. Roche?
19 So I'm going to share them on my
20 screen, but like -- like we did in
21 previous depositions, I think it's
22 helpful when the deponent has them in
23 front of him. If not, it's okay.
24 MR. CLARK: I think it's
25 possible we may have done it. Zack,

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1 M. ROCHE
2 were you able to forward all those
3 e-mails we got this morning?
4 MR. SHARPE: Yeah. I e-mailed
5 them to you, Mike.
6 MR. CLARK: Okay.
7 Q. So Mr. Roche, I'm going to ask
8 you. I know you probably received a
9 barrage of e-mails with these exhibits,
10 but each -- each file should be labeled
11 saying "Exhibit" and then a number.
12 The -- the first one I'd like
13 you to look at is called Exhibit 1, and it
14 is the complaint filed in this case, and I
15 am going to attempt to share it on my
16 screen as well.
17 [The document was hereby marked
18 as Plaintiff's Exhibit 1 for
19 identification, as of this date.]
20 (Ms. Seliger starts Screen Share
21 function.)
22 Q. Are you able to see my screen?
23 A. Yes.
24 Q. For some reason, I cannot see my
25 screen. Are you able to see the -- the

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1 M. ROCHE
2 Exhibit 1 on your own screen, the one that
3 was e-mailed to you?
4 A. Yes.
5 (Ms. Seliger stops Screen Share
6 function.)
7 Q. Okay. So I am going to stop
8 share because my screen turns blank when I
9 share the screen. Have you seen this
10 document before, the -- Exhibit 1?
11 A. Yes.
12 Q. Have you read it?
13 A. It's been quite some time, but I
14 have read it at one point.
15 Q. When was the first time you read
16 the complaint?
17 A. Shortly after it was issued. I
18 don't know exactly.
19 Q. Do you remember if it was --
20 when you say "issued," do you mean sent to
21 you or provided to you?
22 A. It was provided to my company
23 and then provided to me.
24 Q. Do you remember if that was
25 while Joe Pasquarello was still employed

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1 M. ROCHE
2 or -- or after he left?
3 A. I don't remember. I don't think
4 it was while he was employed.
5 Q. Did you discuss it with anyone
6 other than your attorney and potentially
7 your spouse?
8 A. (No verbal response given.)
9 Q. Was that -- I didn't hear you.
10 A. Sorry. No.
11 Q. Were you involved in gathering
12 documents and other information as part of
13 the discovery process in this lawsuit?
14 A. Yes.
15 Q. What did you do to search for
16 documents and information responsive to
17 Plaintiff's discovery requests?
18 A. I looked through e-mail on my
19 computer and through my files. Also ran
20 reports related to salaries. Some of the
21 data was provided by others.
22 Q. Did you work with anyone to
23 conduct searches for documents and
24 e-mails?
25 A. Yes.

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1 M. ROCHE
2 Q. Who did you work with?
3 A. To put together the information,
4 I didn't have access to all of it. Some
5 of it came from Chris Hariegel. Some of
6 it came from Mount Sinai Legal.
7 Q. Did you request that anyone else
8 search for documents and information
9 responsive to Plaintiff's discovery
10 requests?
11 A. I requested Chris Hariegel. He
12 was mentioned and he was on many of the
13 e-mails.
14 Q. Did you have any documents
15 created in response to the discovery
16 requests?
17 MR. CLARK: Objection to form.
18 Hang on a second, Mike, on that. Are
19 you asking if he's created work
20 product in this litigation?
21 MS. SELIGER: No. I'm asking if
22 he created any new documents and then
23 submitted them to us as part of
24 discovery.
25 MR. CLARK: All right. So let

<p style="text-align: right;">Page 38</p> <p>1 M. ROCHE</p> <p>2 me give my witness an instruction.</p> <p>3 You can answer as to any documents</p> <p>4 that you may have created and turned</p> <p>5 over in discovery. You should not</p> <p>6 answer as to any documents you created</p> <p>7 for your lawyers in this case.</p> <p>8 A. Could you repeat the question,</p> <p>9 please?</p> <p>10 Q. Sure.</p> <p>11 MS. SELIGER: Melissa, do you</p> <p>12 mind reading back my question?</p> <p>13 (Requested testimony was read.)</p> <p>14 Q. And I just want to add, as your</p> <p>15 lawyer instructed, I'm not asking about</p> <p>16 anything you created or used to</p> <p>17 communicate with your attorneys.</p> <p>18 A. Well, everything that we created</p> <p>19 was sent through our attorneys, so I'm not</p> <p>20 quite sure how to answer this question.</p> <p>21 Q. Sure. Maybe an example will</p> <p>22 help. Can you look at your e-mails and</p> <p>23 open Exhibit 3?</p> <p>24 [The document was hereby marked</p> <p>25 as Plaintiff's Exhibit 3 for</p>	<p style="text-align: right;">Page 40</p> <p>1 M. ROCHE</p> <p>2 to job titles and dates.</p> <p>3 Q. Is it showing when jobs were --</p> <p>4 when job openings were posted and -- and</p> <p>5 filled and the names of the people who</p> <p>6 left or filled those positions?</p> <p>7 A. Yes.</p> <p>8 THE COURT REPORTER: I'm sorry,</p> <p>9 sir. Was that -- can you repeat that?</p> <p>10 A. Yes.</p> <p>11 THE COURT REPORTER: Thank you.</p> <p>12 Q. And on the first page, it looks</p> <p>13 like those are positions that, I guess at</p> <p>14 the time this was created, those were</p> <p>15 positions that were posted but still open?</p> <p>16 A. Sorry. One second. Let me just</p> <p>17 get back there. Yes. The first page is</p> <p>18 showing open positions, as well as</p> <p>19 potential candidates and dates.</p> <p>20 Q. And on -- sorry to do this to</p> <p>21 you, but on the second page, are you able</p> <p>22 to tell what time period is covered by</p> <p>23 this document?</p> <p>24 A. No. I'm able to tell what's on</p> <p>25 this list. I see that it starts in</p>
<p style="text-align: right;">Page 39</p> <p>1 M. ROCHE</p> <p>2 identification, as of this date.]</p> <p>3 A. Yes.</p> <p>4 Q. Have you seen this document</p> <p>5 before?</p> <p>6 A. Yes.</p> <p>7 Q. This document was turned over to</p> <p>8 us by Defendants. Can you tell me what</p> <p>9 this is?</p> <p>10 A. Yes. This is an ongoing</p> <p>11 document as provided to management every</p> <p>12 week to review open positions and</p> <p>13 recruiting.</p> <p>14 Q. Okay. And on the second page, I</p> <p>15 know it's very small. Are you able to see</p> <p>16 what's on the second page?</p> <p>17 A. (No verbal response given.)</p> <p>18 Q. Are you able to see the</p> <p>19 information on the second page?</p> <p>20 A. Yes.</p> <p>21 Q. And what -- what is that data</p> <p>22 describing?</p> <p>23 MR. CLARK: Objection to form.</p> <p>24 You can answer.</p> <p>25 A. It's describing details related</p>	<p style="text-align: right;">Page 41</p> <p>1 M. ROCHE</p> <p>2 2016 -- I lost it again. Hold on. And it</p> <p>3 looks like it goes through 2022. I can't</p> <p>4 verify that it's inclusive of all</p> <p>5 positions that were posted, though. I</p> <p>6 don't create this document.</p> <p>7 Q. Who creates this document?</p> <p>8 A. This document is created by</p> <p>9 Dorothy Perez.</p> <p>10 Q. And do you know what -- where</p> <p>11 she pulls the information to create this</p> <p>12 document?</p> <p>13 A. I know that it's various</p> <p>14 sources, but I do not know specifically.</p> <p>15 Q. And why does she create this</p> <p>16 document? Is this -- you said it's an</p> <p>17 ongoing document. Does she continuously</p> <p>18 update it?</p> <p>19 MR. CLARK: Objection to form.</p> <p>20 A. Yes.</p> <p>21 Q. Yes, she updates it</p> <p>22 continuously?</p> <p>23 A. Yes.</p> <p>24 Q. And if a job is listed and</p> <p>25 filled, would it generally be a part of</p>

11 (Pages 38 - 41)

<p style="text-align: right;">Page 42</p> <p>1 M. ROCHE</p> <p>2 this document?</p> <p>3 A. Generally, yes.</p> <p>4 Q. And is there any reason why a</p> <p>5 job would -- that was posted and filled,</p> <p>6 is there any reason why a job that was</p> <p>7 posted and filled would not appear on this</p> <p>8 document?</p> <p>9 A. I'm not sure. I would have to</p> <p>10 speak with her, but I don't think the</p> <p>11 intention would be to leave anything out.</p> <p>12 Q. Do you know who she provides</p> <p>13 this document to?</p> <p>14 MR. CLARK: Objection to form.</p> <p>15 A. She sends this document on a</p> <p>16 weekly basis to all the engineering</p> <p>17 directors.</p> <p>18 Q. And who are the engineering</p> <p>19 directors?</p> <p>20 A. All the different hospital</p> <p>21 sites, so whoever manages each of the</p> <p>22 seven hospitals.</p> <p>23 Q. Are you one of those directors?</p> <p>24 A. (Inaudible.)</p> <p>25 THE COURT REPORTER: Can you</p>	<p style="text-align: right;">Page 44</p> <p>1 M. ROCHE</p> <p>2 externally?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. You mentioned a -- strike</p> <p>5 that.</p> <p>6 Just a little earlier, we were</p> <p>7 talking about a training program. I think</p> <p>8 you said it used to be off site and it has</p> <p>9 not continued since COVID. What was the</p> <p>10 name of that training program again?</p> <p>11 A. That was called Foundations.</p> <p>12 Q. When do new employees</p> <p>13 participate in that training?</p> <p>14 A. Generally within the first two</p> <p>15 years.</p> <p>16 Q. So it's possible that a new</p> <p>17 employee would not get that training for</p> <p>18 two years?</p> <p>19 A. Certainly. Yes.</p> <p>20 Q. Do you know of anyone who</p> <p>21 participated in that training later than</p> <p>22 one year after their hire with Crothall?</p> <p>23 A. Yes.</p> <p>24 Q. Who is that?</p> <p>25 A. Wayne Thomas, Bob Murphy, Omelfi</p>
<p style="text-align: right;">Page 43</p> <p>1 M. ROCHE</p> <p>2 repeat that, sir? Sorry.</p> <p>3 A. Sorry. Yes, I am one of those</p> <p>4 directors.</p> <p>5 Q. Does Crothall keep a record of</p> <p>6 all job requisitions and job postings?</p> <p>7 A. Yes.</p> <p>8 Q. Is this that record or are there</p> <p>9 other records?</p> <p>10 A. No. There are other records.</p> <p>11 Q. What would those other records</p> <p>12 be?</p> <p>13 A. We have a software system that</p> <p>14 tracks it. It's called People Hub. This</p> <p>15 is only notes related to each of those</p> <p>16 positions.</p> <p>17 Q. So if, somehow, information did</p> <p>18 not appear on this, it would certainly</p> <p>19 appear on People Hub?</p> <p>20 MR. CLARK: Objection to form.</p> <p>21 You can answer.</p> <p>22 A. All the information should</p> <p>23 always be on People Hub.</p> <p>24 Q. Does People Hub record job</p> <p>25 openings that are posted internally and</p>	<p style="text-align: right;">Page 45</p> <p>1 M. ROCHE</p> <p>2 Garcia.</p> <p>3 Q. And --</p> <p>4 A. There's a number of people.</p> <p>5 Q. Sorry. And why did they not</p> <p>6 participate earlier, as far as you know?</p> <p>7 A. Various reasons.</p> <p>8 Q. Who is responsible for signing a</p> <p>9 new employee up for that training?</p> <p>10 A. Generally, it's the manager.</p> <p>11 Q. The employees' manager?</p> <p>12 A. (Inaudible.)</p> <p>13 THE COURT REPORTER: Can you</p> <p>14 repeat that, sir?</p> <p>15 A. Yes.</p> <p>16 Q. Did Joe Pasquarello ever</p> <p>17 participate in the Foundations training?</p> <p>18 A. So I believe I already mentioned</p> <p>19 that the Foundation [sic] training was put</p> <p>20 on hold due to COVID. So Joe was here for</p> <p>21 the -- most of the duration of his</p> <p>22 employment here was during the COVID.</p> <p>23 Q. Do you recall when Joe</p> <p>24 Pasquarello was hired? What approximate</p> <p>25 date?</p>

<p style="text-align: right;">Page 46</p> <p>1 M. ROCHE</p> <p>2 A. I believe it was October of</p> <p>3 20 -- of 2020.</p> <p>4 Q. All right.</p> <p>5 A. I'm sorry. No. No. I think it</p> <p>6 was '19. I don't recall the specifics.</p> <p>7 Q. Do you think it was in October</p> <p>8 of 2019 or October of 2020?</p> <p>9 A. If you give me a moment, I will</p> <p>10 look at Exhibit 3 and I should be able to</p> <p>11 tell you. (Perusing.) It appears to be</p> <p>12 October 14, 2019.</p> <p>13 Q. So and I believe COVID started</p> <p>14 around -- was it March of 2020? Would you</p> <p>15 agree that's approximately accurate?</p> <p>16 MR. CLARK: Objection to form.</p> <p>17 Q. Or --</p> <p>18 A. I believe we had -- so we</p> <p>19 actually had the first case in New York</p> <p>20 City, and I believe it was earlier than</p> <p>21 that.</p> <p>22 Q. About when do you think that</p> <p>23 COVID as a pandemic started in New York?</p> <p>24 MR. CLARK: Objection to form.</p> <p>25 A. Early 2020.</p>	<p style="text-align: right;">Page 48</p> <p>1 M. ROCHE</p> <p>2 the binders and all the regulatory</p> <p>3 documents with him. We went over our</p> <p>4 audit program and all his</p> <p>5 responsibilities.</p> <p>6 He had an issue absorbing the</p> <p>7 training. He would repeatedly ask for</p> <p>8 additional training, but be unable to</p> <p>9 specify the specifics of what he did not</p> <p>10 understand and what he needed training on.</p> <p>11 Q. You said that "we" trained him</p> <p>12 on various things. Who -- who actually</p> <p>13 provided training to Joe?</p> <p>14 A. It's a number of people. I</p> <p>15 myself provided training on multiple</p> <p>16 occasions to Joe. Matthew Bond provided</p> <p>17 training on multiple occasions to Joe.</p> <p>18 Robert Ross provided training on multiple</p> <p>19 occasions to Joe. Robert Denver provided</p> <p>20 training on multiple occasions to Joe.</p> <p>21 Bob Shaffer provided training on multiple</p> <p>22 occasions to Joe. Chris Hariegel provided</p> <p>23 training on multiple occasions to Joe.</p> <p>24 I'm sure there's a number of others, but</p> <p>25 those are right off the top of my head.</p>
<p style="text-align: right;">Page 47</p> <p>1 M. ROCHE</p> <p>2 Q. Okay. And were you his</p> <p>3 manager -- were you Joe's manager when he</p> <p>4 started at Crothall?</p> <p>5 A. Yes.</p> <p>6 Q. And did you sign him up for the</p> <p>7 Foundations program when he started?</p> <p>8 A. As I said earlier, most</p> <p>9 employees go within the first two years,</p> <p>10 so I did not sign him up in the first four</p> <p>11 months, no.</p> <p>12 Q. Did he ask to be signed up for</p> <p>13 the training?</p> <p>14 A. No.</p> <p>15 Q. Did he ever ask you for Crothall</p> <p>16 training?</p> <p>17 A. (Inaudible.)</p> <p>18 Q. Sorry. I couldn't hear.</p> <p>19 A. Yes.</p> <p>20 Q. So what training did he ask you</p> <p>21 for?</p> <p>22 A. We trained him on all our</p> <p>23 software systems multiple times, so that</p> <p>24 includes TeamDoc, TeamOps. We trained him</p> <p>25 on the program requirements. We went over</p>	<p style="text-align: right;">Page 49</p> <p>1 M. ROCHE</p> <p>2 Q. And when you say they provided</p> <p>3 training, was this formal training or are</p> <p>4 you talking about people answering</p> <p>5 questions?</p> <p>6 MR. CLARK: Objection to form.</p> <p>7 You can answer.</p> <p>8 A. Both formal and informal.</p> <p>9 Q. So of all the names that you</p> <p>10 just mentioned, how many of them provided</p> <p>11 formal training to Joe?</p> <p>12 MR. CLARK: Objection to form.</p> <p>13 A. Robert Ross and Matt Bond.</p> <p>14 Robert Ross is the person who generally</p> <p>15 gives the training for TeamOps at the</p> <p>16 Foundations training, and Matt Bond is</p> <p>17 probably the next person most closely</p> <p>18 familiar with that and has given trainings</p> <p>19 to other employees in the past.</p> <p>20 Q. When did the first person, I</p> <p>21 think -- did you say his last name is</p> <p>22 Ross?</p> <p>23 A. Ross. Robert Ross.</p> <p>24 Q. When did Robert Ross provide Joe</p> <p>25 with training?</p>

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2 A. I don't know the exact date that

3 he was here. He is not local to New York,

4 but he does both remote trainings through

5 Zoom and in-person trainings.

6 Q. And would he have provided that

7 training within the first four months

8 to -- yeah. Within the first four months

9 of Joe's arrival at Crothall?

10 A. I'm not sure of that answer.

11 Q. But you know that he did provide

12 Joe with training?

13 A. Yes.

14 Q. Do you know any specific time

15 when he did that; if it was 2019, 2020, or

16 2021?

17 MR. CLARK: Objection to form.

18 You can answer.

19 A. Again, I don't know the specific

20 date. I would assume it was earlier in

21 his tenure.

22 Q. Why would you assume that?

23 A. That's generally how we train.

24 Q. So in general, when a new

25 employee comes, you provide them with

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1 M. ROCHE

2 training early on?

3 A. To the best of our ability, yes.

4 Q. Was there any reason Joe could

5 not participate in the Foundations

6 training before COVID happened?

7 A. Yes.

8 Q. What was that reason?

9 A. That type of training only

10 occurs maybe once every six months. It's

11 off-site and it's scheduled well in

12 advance, so there's not always

13 opportunities and spots for that training.

14 So it's very likely that he would not have

15 been able to complete that training in the

16 first four months of his employment.

17 Q. Do you know whether there was a

18 Foundations training between October 2019

19 and March of 2020?

20 A. I do not schedule them, so I do

21 not personally know.

22 Q. Who schedules them?

23 A. The Training Department or out

24 of Crothall Corporate.

25 Q. Okay. And do you know -- I'm

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1 M. ROCHE

2 going to change modes a little. Do you

3 know who Bob Shaffer is?

4 A. Yes.

5 Q. What is Bob Shaffer's current

6 title?

7 A. I believe he's the system fire

8 safety director.

9 Q. Do you know how long he's held

10 that title?

11 A. I'd say approximately five or

12 six years. Could be as many as seven or

13 eight. It's been a while, but no. I

14 don't know specifically.

15 Q. Does he report to you?

16 A. No, he does not.

17 Q. Do you report to him?

18 A. No, I do not.

19 Q. How often do you interact with

20 him in person?

21 A. As needed. I was with him

22 earlier this week.

23 Q. On average per month, how often

24 do you interact with him in person?

25 A. Bob is not in person that

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2 frequently. He works two days per week

3 and mostly remote.

4 Q. And has he always worked on that

5 schedule?

6 A. No.

7 MR. CLARK: Objection to form.

8 Q. Was he working on that schedule

9 in 2019?

10 A. Yes, I believe he was.

11 Q. And what about 2020?

12 A. Yes, I believe he was.

13 Q. And what about 2021?

14 A. Yes, I believe he was.

15 Q. And when he is in person, is his

16 office in the same building as your

17 office?

18 A. No. He generally does not work

19 often out of his office. He's at various

20 sites.

21 Q. When you say "sites," where are

22 you -- is -- are you referring to Mount

23 Sinai Hospital sites?

24 A. Yes.

25 Q. Does he only work with the Mount

<p style="text-align: right;">Page 54</p> <p>1 M. ROCHE</p> <p>2 Sinai Hospital or does he work with --</p> <p>3 does he work with Mount Sinai Queens or</p> <p>4 any of the other Mount Sinai systems?</p> <p>5 A. Yes, he does.</p> <p>6 Q. Which Mount Sinai -- I'm not</p> <p>7 sure how to refer to them. Which other</p> <p>8 Mount Sinai campuses does he work with?</p> <p>9 A. All seven of them.</p> <p>10 Q. Okay. So did you say he only</p> <p>11 works two days a week?</p> <p>12 A. Yes.</p> <p>13 Q. And generally, he works remotely</p> <p>14 on those two days; is that correct?</p> <p>15 A. No. I would not say typically.</p> <p>16 It's just that he has the ability to. If</p> <p>17 -- if there's an issue that he's made</p> <p>18 aware of that requires his presence, he</p> <p>19 comes to the city as needed.</p> <p>20 Q. Okay. And how often would you</p> <p>21 inter -- how often do you interact with</p> <p>22 him by phone?</p> <p>23 A. Frequently.</p> <p>24 Q. What do you mean by</p> <p>25 "frequently"? Like per week, how often</p>	<p style="text-align: right;">Page 56</p> <p>1 M. ROCHE</p> <p>2 A. I said yes.</p> <p>3 Q. Can you describe them for me?</p> <p>4 A. He oversees all of the Fire</p> <p>5 Safety components across the Mount Sinai</p> <p>6 Health System.</p> <p>7 Q. In -- in what ways does he</p> <p>8 oversee Fire Safety?</p> <p>9 A. He reviews all of the</p> <p>10 documentation and provides guidance to the</p> <p>11 managers and assistant directors as</p> <p>12 needed.</p> <p>13 Q. When you say "documentation,"</p> <p>14 are you referring to TeamDocs?</p> <p>15 A. TeamDocs is part of it. What</p> <p>16 I'm really referring to is -- is vendor</p> <p>17 testing reports, repair reports, anything</p> <p>18 that would be shown to joint -- the Joint</p> <p>19 Commission.</p> <p>20 Q. What is shown to the Joint</p> <p>21 Commission?</p> <p>22 MR. CLARK: Objection to form.</p> <p>23 You can answer.</p> <p>24 A. Vendor testing reports and</p> <p>25 repair reports and whatever other</p>
<p style="text-align: right;">Page 55</p> <p>1 M. ROCHE</p> <p>2 would you speak -- how often do you speak</p> <p>3 to him by phone?</p> <p>4 MR. CLARK: Objection to form.</p> <p>5 You can answer.</p> <p>6 A. I speak to him by phone a</p> <p>7 minimum of once a week. He's on a weekly</p> <p>8 call that we have every single week, and</p> <p>9 as needed when issues come up where I need</p> <p>10 some feedback or guidance.</p> <p>11 Q. Okay. What is that weekly</p> <p>12 meeting that you have with him?</p> <p>13 A. It's a call with all the Mount</p> <p>14 Sinai directors.</p> <p>15 Q. Do you know who reports directly</p> <p>16 to him?</p> <p>17 A. Nobody reports directly to him.</p> <p>18 Q. Okay. And who does he report</p> <p>19 to?</p> <p>20 A. He reports to Chris Hariegel.</p> <p>21 Q. And do you know what are his</p> <p>22 responsibilities?</p> <p>23 A. (Inaudible.)</p> <p>24 THE COURT REPORTER: Sorry, sir.</p> <p>25 Can you repeat that?</p>	<p style="text-align: right;">Page 57</p> <p>1 M. ROCHE</p> <p>2 information they request.</p> <p>3 Q. Is there, I guess, a set body of</p> <p>4 information that the Joint Commission</p> <p>5 requests or do they make specific</p> <p>6 requests?</p> <p>7 A. Specified code, and within that</p> <p>8 code, there's quite a number of different</p> <p>9 requirements that outline the testing</p> <p>10 frequency, the testing functions and</p> <p>11 tasks, and they will review, upon their</p> <p>12 request, any of those reports.</p> <p>13 Q. So just so I understand, Bob</p> <p>14 Shaffer focuses on the fire safety aspect</p> <p>15 of all of that documentation?</p> <p>16 MR. CLARK: Objection to form.</p> <p>17 You can answer.</p> <p>18 A. Yes.</p> <p>19 Q. Aside from reviewing vendor</p> <p>20 reports and TeamDocs, does he review</p> <p>21 TeamOps?</p> <p>22 A. He ensures that the preventative</p> <p>23 maintenance tasks get closed out on the</p> <p>24 required frequency when -- when it's</p> <p>25 information that will be provided to Joint</p>

<p style="text-align: right;">Page 58</p> <p>1 M. ROCHE</p> <p>2 Commission.</p> <p>3 Q. Okay. So maybe now is a good</p> <p>4 time for me to ask. Can you just explain</p> <p>5 the difference between TeamOps and</p> <p>6 TeamDocs?</p> <p>7 A. Sure. In a simplified way,</p> <p>8 TeamOps is the program that generates</p> <p>9 certain work requests, and TeamDoc is a</p> <p>10 program where vendor testing reports as</p> <p>11 well as internal testing reports and</p> <p>12 repairs are hosted.</p> <p>13 Q. So just to make sure I</p> <p>14 understand, TeamOps is a program that</p> <p>15 keeps track of work that needs to get</p> <p>16 done? No. Strike that.</p> <p>17 I'm sorry. Would you mind</p> <p>18 explaining in a little more detail what</p> <p>19 TeamOps does?</p> <p>20 A. TeamOps is a program where you</p> <p>21 can create new work tasks, where different</p> <p>22 end users within the institution can</p> <p>23 request different types of work. There's</p> <p>24 a work order number associated with</p> <p>25 everything that's requested and it's a way</p>	<p style="text-align: right;">Page 60</p> <p>1 M. ROCHE</p> <p>2 maintenance is due. Does it also show</p> <p>3 what needs to be done for each</p> <p>4 preventative maintenance that's due?</p> <p>5 A. So at the beginning of the</p> <p>6 month, it will issue -- or sometimes the</p> <p>7 last day of the previous month. But</p> <p>8 generally, at the beginning of the month,</p> <p>9 it will issue the work orders and</p> <p>10 preventative maintenance tasks that it</p> <p>11 knows are upcoming. But the information</p> <p>12 for those tasks sometimes needs to be</p> <p>13 modified and the frequency needs to be --</p> <p>14 needs to be changed dependent on when the</p> <p>15 last task was performed.</p> <p>16 Q. And does that program assign the</p> <p>17 work to various departments or</p> <p>18 individuals?</p> <p>19 A. Sometimes it does auto assign</p> <p>20 and sometimes it just assigns it to a</p> <p>21 shop, such as Plumbing or Fire Safety, et</p> <p>22 cetera, and it's the manager's</p> <p>23 responsibility to ensure that it gets</p> <p>24 completed and assigned appropriately.</p> <p>25 Q. So how does it know where to</p>
<p style="text-align: right;">Page 59</p> <p>1 M. ROCHE</p> <p>2 to comment on those work orders at</p> <p>3 completion.</p> <p>4 Another aspect of it is it</p> <p>5 generates all of our required preventative</p> <p>6 maintenance tasks.</p> <p>7 Q. So if a preventative maintenance</p> <p>8 task is upcoming, it will show whoever is</p> <p>9 looking that it is upcoming?</p> <p>10 A. Yes. Assuming -- so the manager</p> <p>11 has some responsibility there. The</p> <p>12 manager's responsibility is to ensure that</p> <p>13 that work ticket is generated at the</p> <p>14 correct frequency based upon the required</p> <p>15 testing.</p> <p>16 Q. So if TeamOps shows that a</p> <p>17 preventative measure or preventative</p> <p>18 maintenance is required soon, the manager</p> <p>19 has to take action to create a work order?</p> <p>20 MR. CLARK: Objection to form.</p> <p>21 A. Could you repeat that question?</p> <p>22 Q. Sure. I'm just trying to</p> <p>23 understand. The preventative maintenance</p> <p>24 aspect of TeamOps, I believe you said it</p> <p>25 keeps track of when preventative</p>	<p style="text-align: right;">Page 61</p> <p>1 M. ROCHE</p> <p>2 assign various tasks?</p> <p>3 A. Well, every single asset that we</p> <p>4 have is barcoded throughout the</p> <p>5 institution. We have thousands and</p> <p>6 thousands of assets. Every single one of</p> <p>7 them is barcoded with a specific number.</p> <p>8 That number is inputted into a database,</p> <p>9 which is TeamOps, and TeamOps generates</p> <p>10 those based upon the information plugged</p> <p>11 into it when capturing that asset.</p> <p>12 So maybe a piece of equipment</p> <p>13 needs annual PMs, maybe it needs</p> <p>14 quarterly, maybe it needs daily. The</p> <p>15 program is going to submit -- is going to</p> <p>16 issue work tickets based on the needs of</p> <p>17 the equipment.</p> <p>18 Q. So it's linked to a particular</p> <p>19 asset?</p> <p>20 A. Correct.</p> <p>21 Q. And when you say "asset," is</p> <p>22 that parts of the facility?</p> <p>23 A. Yes.</p> <p>24 Q. It's not a person?</p> <p>25 A. Correct.</p>

<p style="text-align: right;">Page 62</p> <p>1 M. ROCHE</p> <p>2 Q. Okay. And what part of that,</p> <p>3 going back to Bob Shaffer's role, what</p> <p>4 part of that is -- what part of TeamOps is</p> <p>5 presented to the Joint Commission?</p> <p>6 MR. CLARK: Objection to form.</p> <p>7 You can answer.</p> <p>8 A. We present everything that's</p> <p>9 requested, so it depends on the surveyor</p> <p>10 that you get.</p> <p>11 Q. Does the Joint Commission</p> <p>12 request records that preventative</p> <p>13 maintenance has been conducted?</p> <p>14 A. Sometimes they may. There are</p> <p>15 certain -- there's no standard -- there</p> <p>16 are standards for what's required to be</p> <p>17 performed, but there's no standard across</p> <p>18 what they can -- they can request anything</p> <p>19 within that area.</p> <p>20 Q. So there are -- there are</p> <p>21 standards that the facility has to meet,</p> <p>22 but you don't know necessarily what your</p> <p>23 particular Joint Commission auditor is</p> <p>24 going to specifically scrutinize; is that</p> <p>25 what you're saying?</p>	<p style="text-align: right;">Page 64</p> <p>1 M. ROCHE</p> <p>2 is it correct to say that that is all the</p> <p>3 data showing work performed, whether it's</p> <p>4 in -- whether the work was done in house</p> <p>5 or through vendors?</p> <p>6 MR. CLARK: Objection to form.</p> <p>7 A. Sorry. Could you just repeat --</p> <p>8 rephrase that?</p> <p>9 Q. So just so I understand,</p> <p>10 TeamDocs houses documentation of work</p> <p>11 performed in house by the hospital's</p> <p>12 Facilities team and also by vendors?</p> <p>13 A. Yes, that's correct.</p> <p>14 Q. Okay. What -- what kind of --</p> <p>15 what kind of things in -- in the Joint</p> <p>16 Commission survey would create a problem</p> <p>17 or would be noted as problematic or -- or</p> <p>18 deficient?</p> <p>19 MR. CLARK: Objection to form.</p> <p>20 You can answer.</p> <p>21 Q. Let -- actually, let me</p> <p>22 rephrase. During the Joint Commission</p> <p>23 audit, with respect to the part of the</p> <p>24 audit relating to facilities, what types</p> <p>25 of things are problematic or -- or</p>
<p style="text-align: right;">Page 63</p> <p>1 M. ROCHE</p> <p>2 A. That's correct.</p> <p>3 Q. Okay. But you have to prepare</p> <p>4 everything, I would imagine?</p> <p>5 A. The expectation is that</p> <p>6 everything is a hundred percent compliant.</p> <p>7 Q. And when a Joint Commission</p> <p>8 auditor, if that's what they're called, a</p> <p>9 Joint Commission surveyor requests to</p> <p>10 inspect something, are they -- are they</p> <p>11 inspecting your records in TeamOps?</p> <p>12 A. They may.</p> <p>13 Q. What else would they inspect?</p> <p>14 A. They -- they would likely look</p> <p>15 at TeamDocs.</p> <p>16 Q. And TeamDocs. Remind me what</p> <p>17 that platform does?</p> <p>18 A. Sure. So, again, TeamDocs is a</p> <p>19 hosting platform that -- that hosts</p> <p>20 documentation from vendor reports, as well</p> <p>21 as whatever closed work -- closed work</p> <p>22 orders from TeamOps or any other related</p> <p>23 work task that the manager chooses to</p> <p>24 upload to that database.</p> <p>25 Q. So that is the -- TeamDocs is --</p>	<p style="text-align: right;">Page 65</p> <p>1 M. ROCHE</p> <p>2 would -- would be considered negative</p> <p>3 for -- for the hospital's performance in</p> <p>4 the commission survey?</p> <p>5 MR. CLARK: Objection to form.</p> <p>6 You can answer.</p> <p>7 A. So any deficiency which did not</p> <p>8 have an appropriate follow up or an</p> <p>9 appropriate method of tracking that follow</p> <p>10 up would be considered problematic.</p> <p>11 Q. Can you give me an example just</p> <p>12 so I understand what -- what that means?</p> <p>13 A. Well, if we had repairs</p> <p>14 scheduled on fire doors and there were a</p> <p>15 number of deficiencies noted, we would</p> <p>16 have to create a work order for each one</p> <p>17 of those deficiencies in order to track</p> <p>18 the process to completion. It would be a</p> <p>19 problem if we did not have a means of</p> <p>20 tracking those deficiencies within our</p> <p>21 TeamOps system.</p> <p>22 Q. So a deficiency like something</p> <p>23 -- like a hinge broken on a door, is that</p> <p>24 an example of a deficiency in a door?</p> <p>25 A. Yep. Or a closer. Something</p>

<p style="text-align: right;">Page 66</p> <p>1 M. ROCHE</p> <p>2 that -- that -- that renders it not</p> <p>3 operable in the sense that it's been</p> <p>4 designed to operate.</p> <p>5 Q. So using this -- using TeamDocs,</p> <p>6 if -- in this example, if there was a</p> <p>7 broken hinge on the door, the deficiency</p> <p>8 would be noted, the broken hinge; is that</p> <p>9 correct?</p> <p>10 A. So in this particular case,</p> <p>11 there's a vendor that reviews and inspects</p> <p>12 this. They, by the end of the day within</p> <p>13 that shift, they're responsible for</p> <p>14 reporting it to a manager. That manager</p> <p>15 is then responsible for ensuring that that</p> <p>16 gets documented within TeamOps and that an</p> <p>17 appropriate follow up is conducted.</p> <p>18 Q. So an appropriate follow up</p> <p>19 would be, I guess, assessing what needed</p> <p>20 to happen to fix the broken door and then</p> <p>21 assigning it or creating a work order; is</p> <p>22 that correct?</p> <p>23 MR. CLARK: Objection to form.</p> <p>24 A. That's part of -- that's part of</p> <p>25 it. Part of it may be staff training</p>	<p style="text-align: right;">Page 68</p> <p>1 M. ROCHE</p> <p>2 A. If it --</p> <p>3 MR. CLARK: Objection to form.</p> <p>4 Go ahead.</p> <p>5 A. If that report was received same</p> <p>6 day, then that would be a part of it. The</p> <p>7 manager or -- or assistant director in</p> <p>8 this case would still need to create a</p> <p>9 work order describing that.</p> <p>10 There needs to be basically a</p> <p>11 time stamped document connecting from the</p> <p>12 moment it was found or reported, what the</p> <p>13 repair was, all the way up until it's been</p> <p>14 closed out. So if there's a lapse of time</p> <p>15 and you don't have documentation showing</p> <p>16 -- proving the state of that asset during</p> <p>17 that amount of time, that would be an</p> <p>18 issue.</p> <p>19 Q. And what are the different ways</p> <p>20 that -- that you -- that -- that a Fire</p> <p>21 Safety Department documents that?</p> <p>22 MR. CLARK: Objection to form.</p> <p>23 A. The only way to document it is</p> <p>24 in TeamOps.</p> <p>25 Q. And you can upload documents to</p>
<p style="text-align: right;">Page 67</p> <p>1 M. ROCHE</p> <p>2 because you have an inoperable fire door</p> <p>3 and there might be safety hazards related</p> <p>4 to that. Part of it might be calling in a</p> <p>5 vendor, getting a price to repair it,</p> <p>6 getting a PO, getting them on-site,</p> <p>7 scheduling it. You know, it's all part of</p> <p>8 the same process.</p> <p>9 Q. Is a PO a purchase order?</p> <p>10 A. Yes.</p> <p>11 Q. And then once that broken hinge</p> <p>12 in this example is fixed, the hospital has</p> <p>13 to document that it was fixed; is that</p> <p>14 correct?</p> <p>15 A. In this case, yes. The fire</p> <p>16 safety manager should be -- Fire Safety</p> <p>17 Department should be documenting the</p> <p>18 repair and ensuring that that work order</p> <p>19 was closed. And because it's a life</p> <p>20 safety deficiency, they would then upload</p> <p>21 proof of that and the work order to</p> <p>22 TeamDocs.</p> <p>23 Q. And if you have a vendor working</p> <p>24 on the doors, would the vendor's reports</p> <p>25 about that work be part of the evidence?</p>	<p style="text-align: right;">Page 69</p> <p>1 M. ROCHE</p> <p>2 TeamOps to show the -- that the work was</p> <p>3 done or was ordered?</p> <p>4 A. You can, but usually TeamOps is</p> <p>5 the platform that would -- which is where</p> <p>6 you would upload that documentation.</p> <p>7 Q. Do you know who -- sorry. I'm</p> <p>8 going -- I'm going to get us out of</p> <p>9 documentation for a while, clear my head.</p> <p>10 Do you know who John Barton is?</p> <p>11 A. Yes.</p> <p>12 Q. I recently learned there are two</p> <p>13 John Bartons. I'm speaking about John</p> <p>14 Barton Senior right now. Do you know who</p> <p>15 I'm talking about?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. What is his current</p> <p>18 title, if you know?</p> <p>19 A. He is currently senior director</p> <p>20 of plant and energy.</p> <p>21 Q. And do you know how long he's</p> <p>22 held that title?</p> <p>23 A. It's approximately a year.</p> <p>24 Prior to that, he was -- he was only</p> <p>25 responsible for this site, and his title</p>

<p style="text-align: right;">Page 70</p> <p>1 M. ROCHE</p> <p>2 was director of engineering. I'm sorry.</p> <p>3 Director of -- director of plant and</p> <p>4 energy.</p> <p>5 Q. When you say "this site," are</p> <p>6 you referring to the Mount Sinai Hospital?</p> <p>7 A. Yes.</p> <p>8 Q. And -- and now his purview has</p> <p>9 expanded?</p> <p>10 A. Yes.</p> <p>11 Q. What -- what does he now</p> <p>12 oversee?</p> <p>13 A. So he oversees the plants for</p> <p>14 each of the facilities within the health</p> <p>15 system. So all seven hospitals, if they</p> <p>16 have a boiler plant or a chiller plant, he</p> <p>17 oversees that, as well as HVAC and Plant</p> <p>18 operations at this site, Mount Sinai</p> <p>19 Hospital.</p> <p>20 Q. Okay. So I'm going to focus</p> <p>21 only on Mount Sinai Hospital. When you</p> <p>22 say "plant," I -- other than things that</p> <p>23 grow from the ground, I don't really</p> <p>24 understand what that means. Can you just</p> <p>25 tell me what -- is that a facility?</p>	<p style="text-align: right;">Page 72</p> <p>1 M. ROCHE</p> <p>2 A. Yes. He oversees heating and</p> <p>3 cooling and energy management programs.</p> <p>4 So within energy management, there's some</p> <p>5 HVAC, which is, again, with heating and</p> <p>6 cooling as well as medical gas</p> <p>7 distribution systems, plumbing systems,</p> <p>8 any real utility.</p> <p>9 Q. And does he have people who</p> <p>10 report to him who are technicians in all</p> <p>11 of those areas?</p> <p>12 A. Yes. So in all of those areas,</p> <p>13 there are managers or supervisors who</p> <p>14 report to him and then under them, there's</p> <p>15 a union staff, which are the technicians.</p> <p>16 Q. Got it. Do you know who the</p> <p>17 managers are that report to him?</p> <p>18 A. Yes.</p> <p>19 Q. And this is just with respect to</p> <p>20 Mount Sinai Hospital. Who are those</p> <p>21 people?</p> <p>22 A. Currently?</p> <p>23 Q. If you remember the people who</p> <p>24 reported to him during Mr. Pasquarello's</p> <p>25 tenure?</p>
<p style="text-align: right;">Page 71</p> <p>1 M. ROCHE</p> <p>2 A. So we refer to a plant as,</p> <p>3 really, a boiler plant or a chiller plant,</p> <p>4 and it's the main area of a facility that</p> <p>5 produces all of the hot water or all of</p> <p>6 the cold water for -- for -- it basically</p> <p>7 controls the heating and cooling</p> <p>8 throughout the campus.</p> <p>9 Q. Does it also control water</p> <p>10 supply in the campus?</p> <p>11 A. Generally, that would be</p> <p>12 considered under the Plumbing Department,</p> <p>13 although it does have some oversight of</p> <p>14 that.</p> <p>15 Q. Is Plumbing separate from the</p> <p>16 Plant?</p> <p>17 A. Yes. We have a separate</p> <p>18 plumbing manager who is an assistant chief</p> <p>19 engineer.</p> <p>20 Q. So is there someone -- I'm</p> <p>21 trying to understand what John Barton's</p> <p>22 responsibilities are just with respect to</p> <p>23 Mount Sinai Hospital. Is -- he's managing</p> <p>24 all the heating and cooling systems; is</p> <p>25 that accurate?</p>	<p style="text-align: right;">Page 73</p> <p>1 M. ROCHE</p> <p>2 A. Sure. So Ron Cordier, Felipe</p> <p>3 Garcia, Kevin Anderson. There's --</p> <p>4 there's one or two more now, but I believe</p> <p>5 not -- I don't think they were reporting</p> <p>6 to him during Joe's tenure.</p> <p>7 Q. And who are those people?</p> <p>8 A. Ryan Nowicki now reports to him</p> <p>9 and Craig Heaney reports to him. I'm</p> <p>10 sorry. Ryan Heaney. We have two Heaney</p> <p>11 brothers and Ryan Heaney is the one who</p> <p>12 reports to John.</p> <p>13 Q. Okay. And what was Ryan</p> <p>14 Nowicki -- who was Ryan Nowicki reporting</p> <p>15 to previous to reporting to John Barton?</p> <p>16 A. Previously, he was reporting to</p> <p>17 me.</p> <p>18 Q. And what -- what was his title</p> <p>19 when he was reporting to you?</p> <p>20 A. He was the director of</p> <p>21 engineering for the medical school.</p> <p>22 Q. And what is his current title?</p> <p>23 A. He's the director of plant.</p> <p>24 Q. Okay. And what -- when he --</p> <p>25 when Joe Pasquarello was employed at</p>

<p style="text-align: right;">Page 74</p> <p>1 M. ROCHE</p> <p>2 Crothall, what were Ryan Nowicki's</p> <p>3 responsibilities in the role he had at</p> <p>4 that time?</p> <p>5 A. He oversaw any issues related to</p> <p>6 impacts or problems within the medical</p> <p>7 school square footage. There's a -- they</p> <p>8 have various -- they operate out of</p> <p>9 various buildings on campus, and he would</p> <p>10 be responsible for communicating to school</p> <p>11 leadership, as well as, you know,</p> <p>12 expediting repairs in certain areas or</p> <p>13 getting involved with certain trades as</p> <p>14 needed.</p> <p>15 Q. Is the medical school part of</p> <p>16 the Mount Sinai Hospital campus?</p> <p>17 A. Yes.</p> <p>18 Q. So I'm just trying to</p> <p>19 understand. Was he in charge of all</p> <p>20 facilities that were part of the medical</p> <p>21 school?</p> <p>22 A. He was in charge of anything</p> <p>23 that would have any impact in the medical</p> <p>24 school.</p> <p>25 Q. It sounds like "impact" might be</p>	<p style="text-align: right;">Page 76</p> <p>1 M. ROCHE</p> <p>2 gave, HVAC, he's not the HVAC manager.</p> <p>3 But he would be responsible for -- he</p> <p>4 would be responsible for ensuring that we</p> <p>5 can meet the expectations of the facility</p> <p>6 and that we properly communicate with the</p> <p>7 key stakeholders.</p> <p>8 Q. And then the technicians would</p> <p>9 do the actual work to address the impact;</p> <p>10 is that correct?</p> <p>11 A. At times, it's in-house</p> <p>12 technicians. At times, it's vendors. You</p> <p>13 know, at times, it's construction</p> <p>14 companies. It -- it -- it could be any</p> <p>15 number of things.</p> <p>16 Q. But --</p> <p>17 MR. CLARK: Leah, at a</p> <p>18 convenient time -- I'm sorry. At a</p> <p>19 convenient time, can we take a</p> <p>20 five-minute break?</p> <p>21 MS. SELIGER: Sure. I'll just</p> <p>22 finish this bit and then we can take a</p> <p>23 break.</p> <p>24 Q. So he didn't -- he didn't</p> <p>25 facilitate the work of an impact, but he</p>
<p style="text-align: right;">Page 75</p> <p>1 M. ROCHE</p> <p>2 a more technical term than I'm thinking.</p> <p>3 What do you mean by "impact"?</p> <p>4 A. If there were any assets or</p> <p>5 equipment or if anything negatively</p> <p>6 impacted any users of school or any school</p> <p>7 space, he would be the primary person to</p> <p>8 get involved and resolve those issues.</p> <p>9 Q. Can you give me an example just</p> <p>10 to illustrate what you mean by that kind</p> <p>11 of impact?</p> <p>12 A. Sure. So if there was an air</p> <p>13 handler that failed, he would be involved</p> <p>14 with the communication of that,</p> <p>15 potentially involved with the repair, and</p> <p>16 expediting the process. But it -- it --</p> <p>17 it really was more than just HVAC. He</p> <p>18 would have oversight over any one of the</p> <p>19 trades, including Fire Safety in this</p> <p>20 case.</p> <p>21 Q. So when you say "oversight," he</p> <p>22 would have to coordinate the different</p> <p>23 trades to address a particular impact?</p> <p>24 A. He would not be directly</p> <p>25 coordinating because in the example I</p>	<p style="text-align: right;">Page 77</p> <p>1 M. ROCHE</p> <p>2 would -- he would be in communication with</p> <p>3 the medical school to alert them about the</p> <p>4 impact?</p> <p>5 A. He may facilitate the work</p> <p>6 depending on the severity of the work. He</p> <p>7 may give direction to managers and</p> <p>8 assistant directors involved in that type</p> <p>9 of whatever it is, testing, repair.</p> <p>10 Anything that's -- that's providing any</p> <p>11 significant impact to the facilities of</p> <p>12 the medical school, he would have</p> <p>13 oversight of.</p> <p>14 Q. Okay.</p> <p>15 MS. SELIGER: I'm happy to take</p> <p>16 a break now, Shawn, if you want.</p> <p>17 MR. CLARK: Yeah. Please.</p> <p>18 THE WITNESS: Great.</p> <p>19 MS. SELIGER: Sure. It looks</p> <p>20 like it's almost 2:00. Do you want to</p> <p>21 come back at 2:05?</p> <p>22 MR. CLARK: I've got almost</p> <p>23 noon.</p> <p>24 MS. SELIGER: Oh. Sorry.</p> <p>25 MR. CLARK: Yeah. No, I know.</p>

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1 M. ROCHE
2 You're in a different time zone.
3 MS. SELIGER: It's not almost
4 2:00 here. It's been almost two
5 hours. It's -- it's almost 9:30.
6 MR. CLARK: Yeah. So it's seven
7 minutes to. You want to do -- come
8 back at five minutes after? Is that
9 enough time?
10 MS. SELIGER: It's your call.
11 Yes, that's fine with me.
12 MR. CLARK: Great. Thank you.
13 MS. SELIGER: Sure.
14 (A recess was taken.)
15 Q. Mr. Roche, I want to take a look
16 now at Exhibit 2.
17 [The document was hereby marked
18 as Plaintiff's Exhibit 2 for
19 identification, as of this date.]
20 Q. This is -- Exhibit 2 comprises
21 of various org charts that were produced
22 by Crothall. The way they were presented,
23 it showed they were dated somewhere
24 between 2013 and 2021.
25 I just want to point out that

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1 M. ROCHE
2 you'll see there's numerous pages to this
3 exhibit. The pages that are blank with a
4 big CH and a number, those are the Bates
5 stamped documents. That's not part of the
6 actual -- that's the Bates number. It's
7 not part of the actual data of the
8 documents.
9 I'd like to ask you to look
10 through those org charts and just let me
11 know when -- when you've had a chance to
12 take a look at them.
13 A. So you mean all 30 pages' worth,
14 right?
15 Q. Yeah. You don't have to
16 memorize them.
17 A. Okay. I will let you know.
18 (Perusing.) Okay.
19 Q. So starting at the top, I'm
20 not -- these were two different documents
21 that were provided to us. I'm not sure if
22 they're the same, these two org charts.
23 One has the number D251 at the bottom.
24 The next one has the number CH1895.
25 Do these look like an accurate

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1 M. ROCHE
2 portrayal of the Facilities staff at some
3 point in 2020 or 2021?
4 A. Yes. I think it's important to
5 note that this is only a snapshot in time
6 of whenever that was printed and there was
7 a lot of transition, but based on what
8 I've seen so far, it looks fairly
9 accurate.
10 Q. Okay. And then -- and then
11 there's the -- then there's a list of
12 names and titles that -- that were part of
13 that same spreadsheet. Or no. I'm sorry.
14 I don't know if it's part of the same
15 spreadsheet, but can you look at that list
16 and let me know if that is a
17 representation of the facility staff at --
18 at any point in time while you have been
19 there?
20 MR. CLARK: Leah, so that I
21 know, we're looking at the third page
22 of the exhibit?
23 MS. SELIGER: Yes. And because
24 it was -- it was produced in its
25 native format, it doesn't have a Bates

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1 M. ROCHE
2 number on it. But I -- and in this
3 moment, I can't tell if it's part of
4 CH1889 or CH1895 right before it, but
5 we can certainly -- I can certainly
6 look that up on our next break.
7 A. So just to be clear, the
8 question was does that look accurate at
9 any point in time?
10 Q. Yeah.
11 A. Yes. That looks like a list
12 prior to Joe Pasquarello's start. So --
13 Q. Okay.
14 A. -- that would be either sometime
15 in '19 or before.
16 Q. Okay. And then the next page
17 has the Bates number on it. It says
18 CH1889. The next document, does this look
19 like an accurate portrayal of the Mount
20 Sinai staff -- forgive me. I thought the
21 -- I thought the years were on here. Give
22 me one minute. Does this look like a
23 portrayal of the Facilities staff in 2019
24 approximately?
25 A. Yes.

<p style="text-align: right;">Page 82</p> <p>1 M. ROCHE</p> <p>2 Q. Okay. And I'm going to skip the</p> <p>3 next page and -- and page seven. I</p> <p>4 believe it's page ten of this document.</p> <p>5 It shows what looks like just a snapshot</p> <p>6 of the Fire Safety Department; is that</p> <p>7 correct?</p> <p>8 A. Yes, that's correct. I'm not</p> <p>9 sure that this was updated in 2019, so</p> <p>10 that may represent previous year data, but</p> <p>11 it was certainly accurate at one point in</p> <p>12 time.</p> <p>13 Q. Okay. By the way, all of these</p> <p>14 are part of that same Excel Spreadsheet,</p> <p>15 CH1889.</p> <p>16 A. Right. It wouldn't be uncommon,</p> <p>17 though, to only -- only update the -- the</p> <p>18 first tab, which would be the Crothall</p> <p>19 Table of Organization. Some of those</p> <p>20 other tabs are, you know, for</p> <p>21 informational purposes, but they're not</p> <p>22 updated on a regular basis.</p> <p>23 Q. Got it. So on page 14, you'll</p> <p>24 see another Bates number, CH1892. In the</p> <p>25 labeling of this file that we received, it</p>	<p style="text-align: right;">Page 84</p> <p>1 M. ROCHE</p> <p>2 of the document, you see another</p> <p>3 spreadsheet or org chart. Does this look</p> <p>4 like this was accurate at some point in</p> <p>5 2016?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. Let's see. I'm going to</p> <p>8 scroll to the next numbered page. Page 25</p> <p>9 has Bates stamp CH1898. Again, the file</p> <p>10 name that we received indicated that this</p> <p>11 next document was from 2015.</p> <p>12 If you scroll down to page 26 of</p> <p>13 the exhibit, does this look like it is an</p> <p>14 accurate depiction of Facilities staff in</p> <p>15 2015?</p> <p>16 A. Yes.</p> <p>17 Q. Sorry. I -- the sound --</p> <p>18 A. Yes, it does.</p> <p>19 Q. Okay. Then you see if you</p> <p>20 scroll down to page 27, it has Bates stamp</p> <p>21 number CH1897. Again, the file name for</p> <p>22 this document produced in native format</p> <p>23 indicated that it was from 2014.</p> <p>24 And if you scroll down to page</p> <p>25 28 of this exhibit, it's another org</p>
<p style="text-align: right;">Page 83</p> <p>1 M. ROCHE</p> <p>2 indicated that this next document was from</p> <p>3 2018, but I don't know for sure.</p> <p>4 If you -- if you look at page 15</p> <p>5 right after that numbered sheet, that</p> <p>6 looks like the whole -- or it looks like</p> <p>7 the Facilities Department. Does this look</p> <p>8 like it may have been accurate at some</p> <p>9 point in 2018?</p> <p>10 A. Yes. Probably early '18, before</p> <p>11 I was moved to my current role.</p> <p>12 Q. Okay. Oh, I see what -- I see</p> <p>13 someone named -- is it Jason Curley? At</p> <p>14 the top, it says, I think, "Resident</p> <p>15 Regional Director, Jason Curley." Did you</p> <p>16 take over that role at some point?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. And then I want to scroll</p> <p>19 down past this list. On page 17, we have</p> <p>20 another Bates number. It's CH1891. That</p> <p>21 was -- the file name that we received</p> <p>22 indicated that this next document was from</p> <p>23 2016.</p> <p>24 I, again, don't know if that's</p> <p>25 correct, but if you scroll down to page 18</p>	<p style="text-align: right;">Page 85</p> <p>1 M. ROCHE</p> <p>2 chart. Do you know if this is an accurate</p> <p>3 depiction of the Facilities staff in 2014</p> <p>4 at some point?</p> <p>5 A. It does appear to be accurate.</p> <p>6 Q. Okay. And I think this is the</p> <p>7 last one. If you scroll down to page 29,</p> <p>8 Bates number CH1896, this file name</p> <p>9 indicated that the next document was from</p> <p>10 2013. If you scroll down, there is an org</p> <p>11 chart. Can you take a look at it and let</p> <p>12 me know if this looks like it was an</p> <p>13 accurate depiction of Facilities in 2013</p> <p>14 at some point?</p> <p>15 A. This was prior to my time, so I</p> <p>16 don't know if this was accurate.</p> <p>17 Q. Okay. Got it. All right. I'm</p> <p>18 going to -- I'm done with that exhibit.</p> <p>19 Getting back to the present, who</p> <p>20 currently works in the Mount Sinai</p> <p>21 Hospital Fire Safety Department?</p> <p>22 A. You're talking about from a</p> <p>23 management level, I assume?</p> <p>24 Q. Yeah. Not -- not including fire</p> <p>25 marshals.</p>

22 (Pages 82 - 85)

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1 M. ROCHE

2 A. Sure. So that would be Bernie

3 Nuñez and Matt Bond.

4 Q. Is anyone else in the Fire

5 Safety Department aside from the fire

6 marshals?

7 A. No. Well, Bob Shaffer is still

8 with the company.

9 Q. He's -- Bob Shaffer is still

10 with the company. Is he considered part

11 of the Mount Sinai Hospital Fire Safety

12 Department?

13 A. He still has an -- he still

14 oversees them and may have an indirect

15 role, but if you're asking for all the

16 people involved, he would -- he would

17 basically be involved.

18 Q. Okay. What is Bernie Nuñez's

19 title?

20 A. Bernie is a director of fire

21 safety.

22 Q. And who does he report to?

23 A. He reports to me.

24 Q. And what is Matt Bond's title?

25 A. Matt Bond's title is the

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1 M. ROCHE

2 assistant director of fire safety.

3 Q. And who does he report to?

4 A. He reports to Bernie Nuñez.

5 Q. Does Mario -- does someone named

6 Mario Persaud work in the Fire Safety

7 Department?

8 A. No.

9 Q. Does someone named Colin Knarich

10 with a K at the beginning work in Fire

11 Safety?

12 A. No.

13 Q. Regarding the fire marshals, are

14 there certain -- are there different types

15 of fire marshals or is there just fire

16 marshals?

17 A. There's, I believe, fire marshal

18 one and fire marshal two. That has

19 changed a bit in the past, so I'm not sure

20 of the current exact title. There used to

21 be one, two, three. Now there's, I

22 believe, one and two. Those employees are

23 all employees of Mount Sinai Hospital.

24 Q. Got it. And are they -- are

25 fire marshals required to have any special

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1 M. ROCHE

2 certifications?

3 A. Yes.

4 Q. What are the certifications that

5 they have to hold?

6 A. I don't know the specifics

7 because I'm a little far removed from

8 that, but there's a number of certificates

9 of fitness, and based upon the level that

10 they work is what determines which

11 certificates of fitness are required.

12 Q. So different -- different

13 responsibilities within the fire marshal

14 team necessitate different certificates of

15 fitness?

16 A. Correct.

17 Q. And is that -- those

18 certificates of fitness relate to the work

19 that they actually do?

20 A. In some cases. In some cases,

21 it does not.

22 Q. So how -- how does the Fire

23 Safety Department know which fire marshals

24 need which certificates?

25 A. There's a job description that

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1 M. ROCHE

2 they use to determine the level.

3 Q. Got it. Are there any current

4 job openings in the Fire Safety Department

5 above the level of fire marshal?

6 A. For Crothall?

7 Q. For Crothall, yes.

8 A. Currently, no.

9 Q. Do you know any employee at

10 Crothall named Colin?

11 A. Yes.

12 Q. What's his last name?

13 A. You had it right. It's Knarich.

14 Q. Knarich with a K. What is his

15 current title?

16 A. He is a supervisor.

17 Q. In which department?

18 A. He works right now in the

19 Plumbing Department.

20 Q. And who does he report to?

21 A. He reports to an assistant chief

22 engineer.

23 Q. And what's his name?

24 A. His name is Joe -- Joseph

25 Ecklof.

<p style="text-align: right;">Page 90</p> <p>1 M. ROCHE</p> <p>2 Q. Going back to Bernie Nuñez, what</p> <p>3 are his responsibilities as director of</p> <p>4 fire safety?</p> <p>5 A. He oversees the Fire Safety</p> <p>6 program here, so he's responsible for all</p> <p>7 aspects of maintenance and repairs for any</p> <p>8 fire suppression or fire alarm systems.</p> <p>9 He is involved with -- he</p> <p>10 attends the Mount Sinai Medical Center</p> <p>11 safety committee meetings where he</p> <p>12 presents data on Fire Safety, repairs,</p> <p>13 work orders, any impacts, number of</p> <p>14 trainings, fire drills, et cetera. And he</p> <p>15 works with -- there's a number of</p> <p>16 high-level leadership meetings which he</p> <p>17 attends in that role.</p> <p>18 Q. And when you say he's in charge</p> <p>19 of the Fire Safety systems and -- and</p> <p>20 maintenance, does he actually repair Fire</p> <p>21 Safety systems?</p> <p>22 A. Physically with his hands?</p> <p>23 Q. Yeah.</p> <p>24 A. No, he does not.</p> <p>25 Q. So in what way does he -- in</p>	<p style="text-align: right;">Page 92</p> <p>1 M. ROCHE</p> <p>2 this is a job description for Unit</p> <p>3 Director - Fire Safety. Would you agree</p> <p>4 that that's what this is?</p> <p>5 A. Yes.</p> <p>6 Q. Did Bernie Nuñez sign a job</p> <p>7 description when he was hired for his</p> <p>8 current role?</p> <p>9 A. I believe so, but I am not a</p> <p>10 hundred percent certain.</p> <p>11 Q. Okay --</p> <p>12 A. It's usually something that we</p> <p>13 do -- sorry. It's usually something that</p> <p>14 we do on an annual basis, so I'm not sure</p> <p>15 if it got done yet.</p> <p>16 Q. Okay. When did Bernie Nuñez</p> <p>17 start in his role as director?</p> <p>18 A. Shortly before Joe left, so that</p> <p>19 could be in late 2021.</p> <p>20 Q. Okay. Does this job description</p> <p>21 look like an accurate description of</p> <p>22 Bernie Nuñez's current role?</p> <p>23 A. Yes. Based on my quick read of</p> <p>24 the material.</p> <p>25 Q. Who creates the job descriptions</p>
<p style="text-align: right;">Page 91</p> <p>1 M. ROCHE</p> <p>2 what way is he responsible for those</p> <p>3 systems?</p> <p>4 A. He's responsible for identifying</p> <p>5 when a repair is required, responsible for</p> <p>6 ensuring that the maintenance gets</p> <p>7 conducted as required, responsible for</p> <p>8 appropriately recording it, determining</p> <p>9 the impact of it, providing any training</p> <p>10 as a result of it, getting vendors in,</p> <p>11 scheduling. The whole aspect of --</p> <p>12 anything within the fire safety world that</p> <p>13 needs to be identified, repaired, fixed,</p> <p>14 he's responsible for coordinating those</p> <p>15 efforts.</p> <p>16 Q. I'd like to ask you to look at</p> <p>17 Exhibit 4.</p> <p>18 [The document was hereby marked</p> <p>19 as Plaintiff's Exhibit 4 for</p> <p>20 identification, as of this date.]</p> <p>21 Q. Let me know when you have that</p> <p>22 in front of you.</p> <p>23 A. Okay. Okay.</p> <p>24 Q. So this Exhibit 4, which is</p> <p>25 Bates stamped D255 to D258, it looks like</p>	<p style="text-align: right;">Page 93</p> <p>1 M. ROCHE</p> <p>2 that are signed annually?</p> <p>3 A. Our Human Resources Department.</p> <p>4 Q. Do they do that in collaboration</p> <p>5 with people from each department? I</p> <p>6 imagine an HR person doesn't necessarily</p> <p>7 know all the duties and responsibilities</p> <p>8 of a Fire Safety director.</p> <p>9 MR. CLARK: Objection to form.</p> <p>10 You can answer.</p> <p>11 A. Yes. They do so in</p> <p>12 collaboration with a subject matter</p> <p>13 expert.</p> <p>14 Q. So who would supply HR with the</p> <p>15 job descriptions for a Fire Safety</p> <p>16 director?</p> <p>17 MR. CLARK: Objection to form.</p> <p>18 You can answer.</p> <p>19 A. If I were to guess, I would say</p> <p>20 that it would be done with feedback from</p> <p>21 Chris Hariegel.</p> <p>22 Q. And if you look at the second</p> <p>23 page of this document near the bottom, it</p> <p>24 says "Qualifications," or no. I'm sorry.</p> <p>25 Further down, third page. It's Bates</p>

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1 M. ROCHE
2 stamped D257 and it's actually
3 highlighted. Do you see where it says
4 "Education/Experience"?
5 A. Yes.
6 Q. And there's a highlighted list
7 there of -- it says, "Certification
8 requirements include," and then it says,
9 "OSHA 10-hour, F-85, S-12, S-13, S-95,
10 F-07," and then I think it says, "NFPA 101
11 training." Are those certifications
12 required for the director of fire safety?
13 A. Well, I'm not sure who
14 highlighted this like this, but from my
15 view of this, there's a green highlight
16 under "preferred" and then that green
17 highlight continues under "Certification
18 requirements." Based on my read of that,
19 it appears that those are preferred --
20 preferred certifications.
21 Q. Mm-hmm. So they're not
22 necessarily required for -- for a Fire
23 Safety unit director?
24 A. They may be. I really can't
25 answer that question.

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1 M. ROCHE
2 Q. Don't you hire the Fire Safety
3 unit directors?
4 A. Yes.
5 Q. So when you hire them or when
6 you supervise them, do you require them to
7 have these certifications?
8 A. So I've only hired one Fire
9 Safety director and that person has these
10 certifications, so it's irrelevant whether
11 they're preferred or required because they
12 were met, so I really don't know. I'd
13 have to speak with HR to get a better
14 answer for you.
15 Q. Was that a requirement you had
16 upon hiring him, that he have all of these
17 certifications?
18 A. Sorry. Who is "him"?
19 Q. I'm assuming the one director
20 you hired, that was Bernie Nuñez; is that
21 correct?
22 A. That's correct.
23 Q. So upon hiring him, was it a
24 requirement that he had these
25 certifications?

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1 M. ROCHE
2 A. So it's a moot point. He had
3 the certifications. Again, if I were
4 to -- if he didn't and I still wanted to
5 move forward, I would involve HR for their
6 feedback.
7 Q. If he did not have all of these
8 certifications at the time that you were
9 looking to hire him, would you have asked
10 him to get these certifications?
11 MR. CLARK: Objection to form.
12 You can answer.
13 A. So that seems like a
14 hypothetical question. I guess what I
15 would do is reach out to Human Resources
16 and get further direction from them.
17 Q. You would ask them if it was
18 important for a Fire Safety director to
19 have these certifications?
20 MR. CLARK: Objection to form.
21 You can answer.
22 A. No. Clearly, they are
23 important, which is why they're preferred.
24 Again, based on -- this is a form that
25 comes from HR, so based on my

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1 M. ROCHE
2 interpretation, those all appear to be
3 preferred. So if they were not -- if that
4 individual did not have them, I would want
5 to get feedback from them before moving
6 forward.
7 Q. Just to be clear, the part that
8 we're reading, it says:
9 "Bachelor's degree in
10 Engineering or related fields and five
11 years responsibility at a director level
12 or eight plus years of applicable
13 experience in health care institution
14 preferred, with related continuous
15 education courses."
16 And then it says:
17 "Certification requirements
18 include:" and then the list that I read
19 earlier.
20 Is it your understanding that
21 the "preferred" refers to the whole
22 paragraph or just the sentence that it's
23 actually in?
24 MR. CLARK: Objection to form.
25 You can answer.

<p style="text-align: right;">Page 98</p> <p>1 M. ROCHE</p> <p>2 A. So the question you just asked,</p> <p>3 the -- the -- the text is not capturing</p> <p>4 the fact that there are multiple color</p> <p>5 highlights in this document and the word</p> <p>6 "preferred" is highlighted with one color,</p> <p>7 which also is where the certification</p> <p>8 requirements are.</p> <p>9 Q. Is the job description</p> <p>10 highlighted when it's presented to</p> <p>11 employees or do you think that this</p> <p>12 highlighting happened later?</p> <p>13 MR. CLARK: Objection to form.</p> <p>14 A. I don't produce this document.</p> <p>15 Generally, if there's an opening, I get</p> <p>16 the required job description from Human</p> <p>17 Resources.</p> <p>18 Q. But Human Resources doesn't</p> <p>19 determine the requirements of a Fire</p> <p>20 Safety director; isn't that true?</p> <p>21 MR. CLARK: Objection to form.</p> <p>22 A. Human Resources gives us the job</p> <p>23 description based upon the level of -- of</p> <p>24 the job.</p> <p>25 Q. So are you telling me that Human</p>	<p style="text-align: right;">Page 100</p> <p>1 M. ROCHE</p> <p>2 my leadership on the preferred</p> <p>3 requirements, but beyond that, the</p> <p>4 requirements are based upon the job</p> <p>5 description, which, again, is a document</p> <p>6 produced by HR.</p> <p>7 Q. And I think you said Chris</p> <p>8 Hariegel drafted this?</p> <p>9 A. I said I -- I would assume he</p> <p>10 did. I don't know that to be true.</p> <p>11 Q. Why would you assume that he is</p> <p>12 responsible for drafting this?</p> <p>13 A. Because he is the regional vice</p> <p>14 president, and there's not much that goes</p> <p>15 through the department without going</p> <p>16 through him.</p> <p>17 Q. And you said earlier that when</p> <p>18 Bernie Nuñez was hired, he had all these</p> <p>19 certifications; is that correct?</p> <p>20 A. I don't recall saying that.</p> <p>21 Q. Did he have these</p> <p>22 certifications?</p> <p>23 A. I believe he has all the</p> <p>24 required -- all the certificates, yes.</p> <p>25 Q. He has them now or he had them</p>
<p style="text-align: right;">Page 99</p> <p>1 M. ROCHE</p> <p>2 Resources tells you that an F-85 Fire</p> <p>3 Safety director with active shooter, et</p> <p>4 cetera, certification should be listed on</p> <p>5 the Fire Safety director job description?</p> <p>6 MR. CLARK: Objection to form.</p> <p>7 You can answer again.</p> <p>8 A. I already told you that we work</p> <p>9 with HR to develop these, but once they</p> <p>10 are developed, the document comes from HR.</p> <p>11 Q. So when you work with HR, do you</p> <p>12 provide them with the information you want</p> <p>13 in the job description related to the</p> <p>14 responsibilities of the role and these</p> <p>15 qualifications for the role?</p> <p>16 A. Again, I think you asked me</p> <p>17 previously, but I don't create this</p> <p>18 document. I don't directly work with HR,</p> <p>19 so that would have to be asked of the</p> <p>20 people who do.</p> <p>21 Q. Do you establish the</p> <p>22 qualifications for the employees that you</p> <p>23 hire?</p> <p>24 MR. CLARK: Objection to form.</p> <p>25 A. I can provide recommendations to</p>	<p style="text-align: right;">Page 101</p> <p>1 M. ROCHE</p> <p>2 when you hired him?</p> <p>3 A. This is an old document. The</p> <p>4 F-85 does not exist anymore.</p> <p>5 Q. Okay. Has it been replaced?</p> <p>6 A. Yes.</p> <p>7 Q. What is the new name for that</p> <p>8 certification?</p> <p>9 A. I believe it's the 89.</p> <p>10 Q. Okay. And when Bernie was</p> <p>11 hired, did he have the F-89 and the rest</p> <p>12 of the certifications listed here?</p> <p>13 A. Yes.</p> <p>14 Q. And how do you know that?</p> <p>15 A. I don't recall. I believe he</p> <p>16 submitted them all through our regional</p> <p>17 office. So Dorothy Perez is the person in</p> <p>18 our regional office who maintains</p> <p>19 everybody's certifications.</p> <p>20 Q. So Dorothy Perez would hold all</p> <p>21 the data about which certifications he or</p> <p>22 his predecessors had and when they got</p> <p>23 them and when they expired?</p> <p>24 A. She generally has a copy of the</p> <p>25 license, which generally has that</p>

<p style="text-align: right;">Page 102</p> <p>1 M. ROCHE</p> <p>2 information, yes.</p> <p>3 Q. Do you think it's important for</p> <p>4 a unit director of fire safety to have</p> <p>5 these certifications?</p> <p>6 A. I think it's important for any</p> <p>7 manager to have the certifications that</p> <p>8 people working under them have.</p> <p>9 Q. Does --</p> <p>10 A. If they're managing -- I'm</p> <p>11 sorry. Just to clarify. What I mean by</p> <p>12 that is if they're managing direct staff</p> <p>13 and technicians that have said</p> <p>14 certifications, they should also have</p> <p>15 those certifications in order to direct</p> <p>16 them and basically have an expertise</p> <p>17 within that field.</p> <p>18 Q. So did you check to make sure</p> <p>19 that Bernie Nuñez had these certifications</p> <p>20 when you hired him?</p> <p>21 A. (Inaudible.)</p> <p>22 THE COURT REPORTER: Can you</p> <p>23 repeat that, sir?</p> <p>24 A. Yes.</p> <p>25 THE COURT REPORTER: Thank you.</p>	<p style="text-align: right;">Page 104</p> <p>1 M. ROCHE</p> <p>2 building.</p> <p>3 The time frame for actually</p> <p>4 requesting a test, having the fire</p> <p>5 department administer it on site, and then</p> <p>6 issuing that actual license is quite</p> <p>7 extensive. It's, you know, it can</p> <p>8 probably take up to two years to get. The</p> <p>9 request was made as soon as he started.</p> <p>10 Q. And are all of his</p> <p>11 certifications up to date right now?</p> <p>12 A. To the best of my knowledge,</p> <p>13 they are.</p> <p>14 Q. Don't you keep track of that?</p> <p>15 MR. CLARK: Objection to form.</p> <p>16 A. I don't specifically keep track</p> <p>17 of it, no. Again, that generally is</p> <p>18 managed by Dorothy Perez in our regional</p> <p>19 office.</p> <p>20 Q. But if one of his certifications</p> <p>21 was expired, would that be a problem?</p> <p>22 MR. CLARK: Objection to form.</p> <p>23 A. What -- what sort of problem?</p> <p>24 Q. From your perspective, would it</p> <p>25 be a performance problem if Bernie's</p>
<p style="text-align: right;">Page 103</p> <p>1 M. ROCHE</p> <p>2 Q. How did you check to see that he</p> <p>3 had them?</p> <p>4 A. He sent me -- I believe we</p> <p>5 reviewed all of the licenses. He's got</p> <p>6 copies of all of these licenses except for</p> <p>7 the one I already mentioned. The 85 does</p> <p>8 not exist.</p> <p>9 Q. So does he have the F-89 or did</p> <p>10 he have the F-89 when you hired him?</p> <p>11 A. Yes.</p> <p>12 Q. And did he have a -- I believe</p> <p>13 the F-89 is specific to a particular</p> <p>14 building; is that correct?</p> <p>15 A. Correct.</p> <p>16 Q. Did he have it for the building</p> <p>17 that he would be working in as director of</p> <p>18 fire safety?</p> <p>19 A. So the way the process works is</p> <p>20 you can request an on-site exam through</p> <p>21 the fire department. You have the -- you</p> <p>22 have the certification. There's two</p> <p>23 pieces to it; it's passing a test, which</p> <p>24 gets you the certification, but that</p> <p>25 certification then needs to be linked to a</p>	<p style="text-align: right;">Page 105</p> <p>1 M. ROCHE</p> <p>2 certifications were not up to date at any</p> <p>3 given time?</p> <p>4 MR. CLARK: Objection to form.</p> <p>5 You can answer.</p> <p>6 A. I think we would make every</p> <p>7 effort to have him renew and retest as</p> <p>8 required to obtain them again.</p> <p>9 Q. Would you -- would you think it</p> <p>10 was a problem if he didn't have it done</p> <p>11 within a year of his -- strike that.</p> <p>12 Would you think it was a problem</p> <p>13 if he didn't have his F-89 certification</p> <p>14 linked to one of his current buildings</p> <p>15 within a year of his hire?</p> <p>16 MR. CLARK: Objection to form.</p> <p>17 A. Again, I think I mentioned it's</p> <p>18 quite an extensive process with dealing</p> <p>19 with the FDNY. I would think it's a</p> <p>20 problem if he had not made that request</p> <p>21 for the test within a year of employment.</p> <p>22 Q. Okay. Let's go to Matt Bond.</p> <p>23 You said he's currently the assistant</p> <p>24 director of fire safety?</p> <p>25 A. Yes.</p>

<p style="text-align: right;">Page 106</p> <p>1 M. ROCHE</p> <p>2 Q. At Mount Sinai Hospital; is that</p> <p>3 correct?</p> <p>4 A. (Inaudible.)</p> <p>5 THE COURT REPORTER: Can you</p> <p>6 repeat that, sir?</p> <p>7 A. Yes, that's correct.</p> <p>8 Q. What are his current job</p> <p>9 responsibilities?</p> <p>10 A. He oversees testing and</p> <p>11 maintenance of the fire alarm and fire</p> <p>12 suppression systems and ensures that we</p> <p>13 remain compliant.</p> <p>14 Q. Can you get a little more</p> <p>15 granular for me? When you say "he</p> <p>16 oversees," what -- what does that mean?</p> <p>17 Does he watch them do that testing and</p> <p>18 maintenance with his eyes?</p> <p>19 MR. CLARK: Objection to form.</p> <p>20 You can answer.</p> <p>21 A. I would say generally not. It's</p> <p>22 certainly not a requirement for him to</p> <p>23 watch people do the work.</p> <p>24 Q. So what does he do to oversee</p> <p>25 those things?</p>	<p style="text-align: right;">Page 108</p> <p>1 M. ROCHE</p> <p>2 any certifications in his role as</p> <p>3 assistant director of fire safety?</p> <p>4 A. Yes.</p> <p>5 Q. Which ones is he required to</p> <p>6 have?</p> <p>7 A. Well, I'm not looking at the job</p> <p>8 description right now, but it's -- it's</p> <p>9 well stated in that job description.</p> <p>10 Q. Did Matt Bond sign a job</p> <p>11 description?</p> <p>12 A. I'm not sure of that.</p> <p>13 Q. So how would you or he know what</p> <p>14 certifications are expected of him? Which</p> <p>15 job description would he have to look at?</p> <p>16 MR. CLARK: Objection to form.</p> <p>17 A. So he's currently in an</p> <p>18 assistant director role, so he would look</p> <p>19 at the assistant director job description.</p> <p>20 Q. And are the certifications for</p> <p>21 the assistant director also preferred as</p> <p>22 opposed to required?</p> <p>23 A. I'm not looking at the document</p> <p>24 right now, but I would assume so. There</p> <p>25 are -- I do believe that he has all those</p>
<p style="text-align: right;">Page 107</p> <p>1 M. ROCHE</p> <p>2 A. He ensures that they get done in</p> <p>3 the required time frame. He ensures that</p> <p>4 they are repaired, that they're recorded.</p> <p>5 Q. So is he -- is he documenting</p> <p>6 those repairs and I think you -- did you</p> <p>7 say testing as well?</p> <p>8 A. I did, yes.</p> <p>9 Q. Is there anything else that's</p> <p>10 part of his responsibilities?</p> <p>11 A. Yes.</p> <p>12 Q. Sorry. The sound cut out. I</p> <p>13 didn't hear.</p> <p>14 A. I said yes.</p> <p>15 Q. What else would you say is part</p> <p>16 of his list of responsibilities?</p> <p>17 A. Any task given to him by his</p> <p>18 manager.</p> <p>19 Q. Is that Bernie Nuñez?</p> <p>20 A. Yes.</p> <p>21 Q. And he -- Bernie Nuñez writes</p> <p>22 his performance reviews?</p> <p>23 A. Yes.</p> <p>24 MR. CLARK: Objection to form.</p> <p>25 Q. Is Matt Bond required to have</p>	<p style="text-align: right;">Page 109</p> <p>1 M. ROCHE</p> <p>2 certifications as well.</p> <p>3 Q. I mean, I personally do not -- I</p> <p>4 did not receive from Defendants a signed</p> <p>5 job description so I also don't know what</p> <p>6 his job description is, but if there was</p> <p>7 one signed by him, it was called to be</p> <p>8 produced, so I am going to call for it to</p> <p>9 be produced.</p> <p>10 MR. CLARK: We've produced the</p> <p>11 assistant director job description in</p> <p>12 a number of formats. You definitely</p> <p>13 have it.</p> <p>14 MS. SELIGER: But just not a</p> <p>15 signed one. So if there's a signed</p> <p>16 one, I'm calling for that. I -- we</p> <p>17 also requested a signed job</p> <p>18 description for Bernie Nuñez, which</p> <p>19 was not produced if -- if one exists.</p> <p>20 MR. CLARK: If it exists, we'll</p> <p>21 produce it.</p> <p>22 Q. And you said you believe that</p> <p>23 Matt Bond has whatever certifications are</p> <p>24 required of him; is that correct?</p> <p>25 A. That's -- that's correct.</p>

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1 M. ROCHE
2 Q. And how do you know that?
3 A. I know that he has his F-89 and
4 I've seen copies. I can't confirm that
5 they're current or the other ones, but I
6 have seen his license in the past.
7 Q. Why can't you confirm that
8 they're current?
9 A. Because I --
10 MR. CLARK: Objection to form.
11 A. Because I haven't looked at them
12 within the last year.
13 Q. So a year has gone by and you
14 haven't checked the status of his
15 certifications; is that correct?
16 MR. CLARK: Objection to form.
17 You can answer.
18 A. Matt Bond does not report to me.
19 Q. So is Bernie responsible for
20 making sure that his subordinates'
21 certifications are up to date?
22 A. Dorothy Perez manages the
23 license process for the region.
24 Q. I understand she manages it, but
25 isn't it Bernie's responsibility to make

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1 M. ROCHE
2 sure that his employee has all the
3 necessary certifications for the job?
4 MR. CLARK: Objection to form.
5 You can answer.
6 A. That's something that is done by
7 Dorothy Perez for this health system.
8 Q. Okay. I'd like to go through
9 the roles that Matt Bond has held since he
10 started working for Crothall. I know
11 there's overlap in your tenure at Crothall
12 and his, so to the extent you know, what
13 was Matt Bond's first position with
14 Crothall?
15 A. I believe Matt started as an
16 intern. An hourly intern.
17 Q. Do you know what year he
18 started?
19 A. It was back in the '13, '14 time
20 frame. I don't know specifically when.
21 Q. And then after he completed
22 that, do you know what his next role was
23 with Crothall?
24 A. I don't just because I was not
25 directly involved with that group at that

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1 M. ROCHE
2 time. I would assume that he was a
3 supervisor after that.
4 Q. In -- in Fire Safety? If I said
5 that he had a Fire Safety role in 2017,
6 does that sound right?
7 MR. CLARK: Objection to form.
8 A. That does sound right.
9 Q. You said supervisor. Is
10 supervisor the same as manager?
11 A. No, it's not.
12 Q. What is the difference?
13 A. Supervisor is a lower level
14 position that has a lower salary and
15 generally oversees less things.
16 Q. Okay. And what was -- why don't
17 you go through his next roles? So he was
18 a -- he was an intern and then you think
19 he was a Fire Safety supervisor. What was
20 his next role?
21 A. I believe it was a manager, but
22 we could look at the table of organization
23 if you'd like.
24 Q. Sure. That was Exhibit 2, I
25 believe. I think in 2018, it looks like

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1 M. ROCHE
2 he was a Fire Safety assistant director?
3 A. I agree.
4 Q. And do you know what he -- what
5 position he had prior to becoming the Fire
6 Safety assistant director?
7 A. I believe he was a manager.
8 Q. And then after he was -- after
9 he was a Fire Safety assistant director in
10 2018, what was his next role?
11 A. Can you repeat the question?
12 Q. What was Matt Bond's role after
13 he was a Fire Safety assistant director in
14 2018?
15 A. So I don't know the exact time
16 frame, but as an assistant director, he
17 reported to me. And around that time
18 frame, I demoted him to a lower level
19 position, which would be the manager
20 position.
21 Q. Around what time did you do
22 that?
23 A. I would have to look through the
24 table of organization.
25 Q. Would it have been around the

<p style="text-align: right;">Page 114</p> <p>1 M. ROCHE</p> <p>2 time you hired a new assistant director?</p> <p>3 A. You're asking is it shortly</p> <p>4 before Joe Pasquarello was hired?</p> <p>5 Q. Yeah.</p> <p>6 A. I believe it was.</p> <p>7 Q. And did Joe Pasquarello replace</p> <p>8 Matt Bond as the assistant director of</p> <p>9 fire safety?</p> <p>10 A. Yes, he did.</p> <p>11 Q. And then I believe Matt Bond's</p> <p>12 position changed again in 2020; is that</p> <p>13 correct?</p> <p>14 A. Yes.</p> <p>15 Q. What was his next position in</p> <p>16 2020?</p> <p>17 A. So Matt Bond had some personal</p> <p>18 issues with Joe Pasquarello and he asked</p> <p>19 if -- if there were any opportunities</p> <p>20 outside of the Fire Safety Department for</p> <p>21 him. There was a vacancy as a Work</p> <p>22 Control manager.</p> <p>23 Q. So who did he replace as the</p> <p>24 Work Control manager?</p> <p>25 A. So that was a new position for</p>	<p style="text-align: right;">Page 116</p> <p>1 M. ROCHE</p> <p>2 would be better suited at a more junior</p> <p>3 level. He, at that point, agreed and</p> <p>4 applied for a vacant position and was</p> <p>5 ultimately put into that vacant position.</p> <p>6 Q. Meaning he applied for the Fire</p> <p>7 Safety manager position and then got that</p> <p>8 position?</p> <p>9 A. Correct. It was -- it was</p> <p>10 really a, I guess, consensual demotion.</p> <p>11 He admitted that he was not able to</p> <p>12 perform at that level, and rather than</p> <p>13 going down a path of counseling, he</p> <p>14 accepted a position at a lower level.</p> <p>15 Q. At the time that he moved from</p> <p>16 Fire Safety manager to his -- his newly</p> <p>17 created role in 2020, I think you said</p> <p>18 Work Control; is that correct?</p> <p>19 MR. CLARK: Objection to form.</p> <p>20 Q. Anyway, when he moved from his</p> <p>21 Fire Safety manager role to his newly</p> <p>22 created role in 2020, how had he been</p> <p>23 performing as a Fire Safety manager?</p> <p>24 MR. CLARK: Objection to form.</p> <p>25 You can answer.</p>
<p style="text-align: right;">Page 115</p> <p>1 M. ROCHE</p> <p>2 Crothall. Previously, it was a Mount</p> <p>3 Sinai position.</p> <p>4 Q. And when he had that new</p> <p>5 position, who did he report to?</p> <p>6 A. He reported to Ryan Nowicki.</p> <p>7 Q. And you mentioned earlier that</p> <p>8 you demoted him from assistant director to</p> <p>9 manager. Why did you do that?</p> <p>10 A. Having issues completing his</p> <p>11 tasks, meeting certain deadlines, and I</p> <p>12 think he, you know, he was -- had a good</p> <p>13 knowledge base, but didn't have the</p> <p>14 managerial skills to perform at that</p> <p>15 level.</p> <p>16 Q. Sorry. Did you say "to perform</p> <p>17 at that level"?</p> <p>18 A. Yes.</p> <p>19 Q. So you moved him to a Fire</p> <p>20 Safety manager role and hired Joe</p> <p>21 Pasquarello to head the department</p> <p>22 instead; is that correct?</p> <p>23 A. Well, I -- I didn't actually</p> <p>24 move him. I informed him that he was not</p> <p>25 fit for the job at that level and that he</p>	<p style="text-align: right;">Page 117</p> <p>1 M. ROCHE</p> <p>2 A. I just want to correct something</p> <p>3 you said. You said "newly created." It</p> <p>4 was not newly created. It was newly -- it</p> <p>5 was a new Crothall position that was</p> <p>6 previously done by a Mount Sinai employee.</p> <p>7 Q. Got it. So at the time he moved</p> <p>8 from Fire Safety to his new role in 2020,</p> <p>9 how had he been performing as a Fire</p> <p>10 Safety manager?</p> <p>11 A. Not well, according to his</p> <p>12 supervisor.</p> <p>13 Q. Who hired him for his new role</p> <p>14 in 2020?</p> <p>15 A. Ryan Nowicki.</p> <p>16 Q. And Ryan Nowicki was the one who</p> <p>17 interviewed him for that role?</p> <p>18 A. Yes.</p> <p>19 Q. And was he considered well</p> <p>20 qualified for that role?</p> <p>21 MR. CLARK: Objection to form.</p> <p>22 You can answer.</p> <p>23 Q. If you know?</p> <p>24 A. Yes.</p> <p>25 Q. Did you play any part in the</p>

30 (Pages 114 - 117)

<p style="text-align: right;">Page 118</p> <p>1 M. ROCHE</p> <p>2 hiring or interviewing of Matt Bond for</p> <p>3 his role, his new role in 2020?</p> <p>4 A. No, I did not.</p> <p>5 Q. And then I understand that now,</p> <p>6 he holds the role of fire safety assistant</p> <p>7 director again; is that correct?</p> <p>8 A. That's correct.</p> <p>9 Q. Do any managers report to him</p> <p>10 right now?</p> <p>11 A. No.</p> <p>12 Q. You mentioned that before he</p> <p>13 moved in 2020, that he had not been</p> <p>14 performing that well as a Fire Safety</p> <p>15 manager. Was he counseled at all for</p> <p>16 whatever shortcomings he had?</p> <p>17 A. I think I mentioned that he was</p> <p>18 not performing well under the belief of</p> <p>19 his direct supervisor, which was Joe</p> <p>20 Pasquarello. He was not counseled at any</p> <p>21 point under Joe's tenure.</p> <p>22 Q. When you say "counseled," are</p> <p>23 you talking about formal counseling filed</p> <p>24 with HR or are you talking about informal</p> <p>25 counseling, like guidance, instructions,</p>	<p style="text-align: right;">Page 120</p> <p>1 M. ROCHE</p> <p>2 A. Joe sent me, you know, all kinds</p> <p>3 of communications. He did send me a</p> <p>4 proposed improvement plan for Matt Bond,</p> <p>5 and I reviewed it and I thought it was</p> <p>6 appropriate and I told him that, "You need</p> <p>7 to give it to him if this is what you</p> <p>8 think is going on."</p> <p>9 Q. So you took a hands-off</p> <p>10 approach?</p> <p>11 MR. CLARK: Objection to form.</p> <p>12 A. My role is to manage my direct</p> <p>13 reports, as is every other manager's. I</p> <p>14 wouldn't say that I took a hands-off</p> <p>15 approach at all. I would say that Joe</p> <p>16 Pasquarello was not a competent manager.</p> <p>17 Q. So as far as you know, did Joe</p> <p>18 ever give Matt Bond detailed instructions</p> <p>19 about what he expected from Matt?</p> <p>20 A. I would assume that he did.</p> <p>21 It's very likely that he did. I don't</p> <p>22 recall a situation where I've reviewed</p> <p>23 that.</p> <p>24 Q. In what way was Joe Pasquarello</p> <p>25 not a good manager to Matt Bond?</p>
<p style="text-align: right;">Page 119</p> <p>1 M. ROCHE</p> <p>2 things like that?</p> <p>3 A. I'm talking about a formal</p> <p>4 counseling with HR.</p> <p>5 Q. Did Joe Pasquarello provide</p> <p>6 informal counseling for Matt Bond?</p> <p>7 A. I assume so. They met on a</p> <p>8 regular basis, but I was not in the room.</p> <p>9 Q. Did Joe tell you that he was</p> <p>10 working with Matt Bond on Matt Bond's</p> <p>11 performance?</p> <p>12 A. Joe told me that he was having</p> <p>13 issues with Matt Bond's performance, but</p> <p>14 he couldn't articulate specifically what</p> <p>15 they were. I told him that if there are</p> <p>16 issues, then he needs to determine clear</p> <p>17 expectations in writing and provide them</p> <p>18 to him. I don't believe that Joe ever did</p> <p>19 that.</p> <p>20 Q. So Joe never e-mailed to you</p> <p>21 communications between him and Matt Bond</p> <p>22 spelling out what Matt Bond needed to do</p> <p>23 or what he needed to improve on?</p> <p>24 MR. CLARK: Objection to form.</p> <p>25 You can answer.</p>	<p style="text-align: right;">Page 121</p> <p>1 M. ROCHE</p> <p>2 A. I don't think that he had the</p> <p>3 ability to provide direction. I don't</p> <p>4 think he had the ability to prioritize</p> <p>5 tasks. I don't think he really provided</p> <p>6 much coaching.</p> <p>7 Q. Why -- why do you think that he</p> <p>8 didn't provide those things? Not why</p> <p>9 didn't he, but why do you believe that</p> <p>10 that didn't happen?</p> <p>11 MR. CLARK: Objection to form.</p> <p>12 A. I guess because I don't -- I</p> <p>13 hadn't seen any improvement during the</p> <p>14 time that Matt worked under Joe from Matt.</p> <p>15 And I think partially that's because of he</p> <p>16 was not getting clear direction.</p> <p>17 Q. So you assumed that Joe didn't</p> <p>18 counsel him because Matt didn't get better</p> <p>19 at his job. Is it possible Joe did</p> <p>20 counsel him, but Matt just didn't get</p> <p>21 better at his job?</p> <p>22 MR. CLARK: Objection to the</p> <p>23 form. You can answer.</p> <p>24 A. I don't think I assumed that</p> <p>25 Matt didn't get better at his job because</p>

<p style="text-align: right;">Page 122</p> <p>1 M. ROCHE</p> <p>2 he wasn't counseled. I think that's</p> <p>3 related, but I don't think that's the</p> <p>4 reason.</p> <p>5 Q. But you were aware that he</p> <p>6 wasn't doing well at his job?</p> <p>7 A. (Inaudible.)</p> <p>8 THE COURT REPORTER: Can you</p> <p>9 repeat that, sir?</p> <p>10 A. I said yes.</p> <p>11 Q. Do you believe that Joe</p> <p>12 Pasquarello's performance improved over</p> <p>13 the course of his tenure with Crothall?</p> <p>14 A. I think there were things that</p> <p>15 Joe did that caused improvement and I</p> <p>16 think there were certainly aspects of his</p> <p>17 role that he did improve, but I don't</p> <p>18 believe that he performed on the level</p> <p>19 that would be required in that role.</p> <p>20 Q. Is that because you didn't</p> <p>21 counsel him or provide him with enough</p> <p>22 support and direction?</p> <p>23 MR. CLARK: Objection to form.</p> <p>24 A. (Inaudible.)</p> <p>25 THE COURT REPORTER: Can you</p>	<p style="text-align: right;">Page 124</p> <p>1 M. ROCHE</p> <p>2 MR. CLARK: Objection. Are you</p> <p>3 going to continue to argue with the</p> <p>4 witness? I'll allow to you answer</p> <p>5 this question, but if we're going to</p> <p>6 continue to start our questions with</p> <p>7 "but," I'm going to not allow him to</p> <p>8 answer anymore. Go ahead. You can</p> <p>9 answer, Mike.</p> <p>10 A. Could you restate the question?</p> <p>11 MS. SELIGER: Melissa, could you</p> <p>12 read back the question? I can't</p> <p>13 remember how I stated it.</p> <p>14 THE COURT REPORTER: One moment,</p> <p>15 please.</p> <p>16 Q. But Mr. Roche, when she restates</p> <p>17 it, I'll restate it again without the</p> <p>18 "but."</p> <p>19 (Requested testimony was read.)</p> <p>20 Q. Okay. So do you believe that</p> <p>21 Joe Pasquarello provided informal</p> <p>22 counseling to Matt Bond regarding his</p> <p>23 performance?</p> <p>24 A. I think you asked that already,</p> <p>25 and I think my answer was along the lines</p>
<p style="text-align: right;">Page 123</p> <p>1 M. ROCHE</p> <p>2 repeat that, sir?</p> <p>3 A. Sorry, yes. I said no.</p> <p>4 Q. So when Joe's subordinate does</p> <p>5 not improve, you assume that he did not</p> <p>6 provide counseling and direction, but when</p> <p>7 your subordinate does not improve in</p> <p>8 certain respects, it's not actually</p> <p>9 related to your support and direction?</p> <p>10 Isn't that what you just said?</p> <p>11 MR. CLARK: Objection to form.</p> <p>12 A. No. That's not what I said, and</p> <p>13 I don't think that's a fair</p> <p>14 characterization of what I'm saying. What</p> <p>15 I -- you asked me questions of did Joe</p> <p>16 provide counseling to Matt? If -- if the</p> <p>17 question is did he provide a progressive</p> <p>18 counseling in order to try and rectify his</p> <p>19 problem behavior, the answer is no, Joe</p> <p>20 did not provide that. I provided that to</p> <p>21 Joe because his performance was less than</p> <p>22 what it should have been.</p> <p>23 Q. But you also stated that you</p> <p>24 don't think Joe provided informal</p> <p>25 counseling to Matt Bond; is that correct?</p>	<p style="text-align: right;">Page 125</p> <p>1 M. ROCHE</p> <p>2 of that I assumed he did because he had</p> <p>3 regular one-on-one weekly meetings and a</p> <p>4 lot of interaction with him.</p> <p>5 Q. Did Joe ever tell you that he</p> <p>6 was informally counseling Matt Bond?</p> <p>7 A. Yes.</p> <p>8 Q. So then he told you he was</p> <p>9 informally counseling Matt Bond. Does</p> <p>10 that mean you knew that he was informally</p> <p>11 counseling Matt Bond?</p> <p>12 MR. CLARK: Objection to form.</p> <p>13 A. Say that one more time?</p> <p>14 Q. No. You can strike the</p> <p>15 question. I just want to clarify you said</p> <p>16 that Joe Pasquarello did tell you that he</p> <p>17 was informally counseling Matt Bond; is</p> <p>18 that correct?</p> <p>19 MR. CLARK: Objection to form.</p> <p>20 You can answer again.</p> <p>21 A. I guess I don't understand what</p> <p>22 you mean by "informally counseling." They</p> <p>23 had regular meetings where they talked</p> <p>24 about performance and expectations. If</p> <p>25 that's what you mean by informal</p>

<p style="text-align: right;">Page 126</p> <p>1 M. ROCHE</p> <p>2 counseling, then yes, he certainly</p> <p>3 informally counseled Matt on a regular</p> <p>4 basis.</p> <p>5 Q. I guess I would -- I would --</p> <p>6 strike that.</p> <p>7 Aside from their oral</p> <p>8 conversations, did Joe Pasquarello give</p> <p>9 Matt Bond specific instructions about what</p> <p>10 Matt Bond was supposed to complete or</p> <p>11 perform in terms of his duties?</p> <p>12 A. I think that's a question that</p> <p>13 needs to be answered by Joe Pasquarello or</p> <p>14 Matt Bond. If it was given, it would have</p> <p>15 been given not in my company.</p> <p>16 Q. Okay. I'd like to direct you to</p> <p>17 open Exhibit 5.</p> <p>18 [The document was hereby marked</p> <p>19 as Plaintiff's Exhibit 5 for</p> <p>20 identification, as of this date.]</p> <p>21 Q. These documents which each have</p> <p>22 Bates stamp numbers on them are the offer</p> <p>23 letters to Matt Bond that were produced to</p> <p>24 us. Let me know when you have them in</p> <p>25 front of you.</p>	<p style="text-align: right;">Page 128</p> <p>1 M. ROCHE</p> <p>2 that's not accurate.</p> <p>3 Q. Why is that?</p> <p>4 A. Because I believe that that's --</p> <p>5 that's the offer for his management role</p> <p>6 for Work Control, the one we previously</p> <p>7 talked about where he reported to Ryan</p> <p>8 Nowicki.</p> <p>9 Q. Right. That's what I'm asking</p> <p>10 you. It says here -- oh. So you're</p> <p>11 saying the -- what are you saying is</p> <p>12 inaccurate about it? The title?</p> <p>13 A. I'm saying I believe that letter</p> <p>14 is inaccurate where it states that it</p> <p>15 reports to me. That position did not</p> <p>16 report to me.</p> <p>17 Q. Which position? Engineering</p> <p>18 manager?</p> <p>19 A. Yes.</p> <p>20 Q. And is that documented somewhere</p> <p>21 that there was an engineering manager</p> <p>22 reporting to Ryan Nowicki?</p> <p>23 MR. CLARK: Objection to form.</p> <p>24 You can answer.</p> <p>25 A. I believe so.</p>
<p style="text-align: right;">Page 127</p> <p>1 M. ROCHE</p> <p>2 A. Yes. I have them in front of</p> <p>3 me.</p> <p>4 Q. Do these look to be the accurate</p> <p>5 offer letters that Matt Bond was provided</p> <p>6 over the years?</p> <p>7 A. -- accurate.</p> <p>8 THE COURT REPORTER: Sorry, sir.</p> <p>9 Can you repeat your answer, please?</p> <p>10 A. Sure. I said yes, they look</p> <p>11 accurate.</p> <p>12 Q. If you scroll down to it's page</p> <p>13 ten of this document, it's a document with</p> <p>14 the Bates number D000620 and it's dated</p> <p>15 12/14/2020. Do you see that document?</p> <p>16 A. Yes, I do.</p> <p>17 Q. And it says:</p> <p>18 "Congratulations. This letter</p> <p>19 will confirm the terms of our offer of</p> <p>20 employment for the position of engineering</p> <p>21 manager for Crothall Healthcare, a member</p> <p>22 of Compass Group U.S.A., the company,</p> <p>23 reporting to Michael Roche."</p> <p>24 Do you see that?</p> <p>25 A. I do see that and I believe</p>	<p style="text-align: right;">Page 129</p> <p>1 M. ROCHE</p> <p>2 Q. So there's the offer letter</p> <p>3 here, and if you scroll down to page 13,</p> <p>4 at the end, it says, "Sincerely, Michael</p> <p>5 Roche." Is this not the offer letter that</p> <p>6 was presented to Matt Bond for the role he</p> <p>7 took on in or about December of 2020 or it</p> <p>8 looks like the start date was January '21?</p> <p>9 MR. CLARK: Objection to form.</p> <p>10 A. That is -- it is the offer</p> <p>11 letter. It appears to be. My point is I</p> <p>12 don't believe that the information within</p> <p>13 it is accurate.</p> <p>14 Q. Is anything accurate in this</p> <p>15 letter?</p> <p>16 MR. CLARK: Objection to form.</p> <p>17 Q. How about the start date? Does</p> <p>18 that look accurate?</p> <p>19 A. -- the best of my recollection.</p> <p>20 THE COURT REPORTER: I'm sorry,</p> <p>21 sir. Please repeat that.</p> <p>22 A. To the best of my recollection,</p> <p>23 it looks accurate.</p> <p>24 Q. And what about his salary grade?</p> <p>25 A. That I would have to look up,</p>

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1 M. ROCHE
2 but I presume it's accurate.
3 Q. What about his actual salary
4 amount? Does that look accurate?
5 A. Again, that I would have to look
6 up, but I presume it's accurate.
7 Q. Were you involved in determining
8 his salary for the role he took on at the
9 end of 2020 or beginning of '21?
10 A. I would have been involved to
11 make sure that it was within a certain
12 range, within the budgeted range, but it
13 would have been Ryan Nowicki that would
14 determine that exact salary.
15 Q. Did Ryan Nowicki write Matt
16 Bond's performance reviews in this role?
17 A. He would, yes. Based upon the
18 time that he was in that role, I don't
19 know that he ever did a performance
20 evaluation in that role.
21 Q. Okay.
22 A. Just to add, this letter is an
23 automated letter from our software system.
24 This is not a letter that's written by me.
25 I am the signator on it, but again, that's

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1 M. ROCHE
2 automated. So it's possible that it was
3 listed as a direct report because of the
4 fact that I'm the head of the account.
5 That doesn't necessarily mean that that's
6 the way it should be or, operationally,
7 that's how the table of organization
8 looked.
9 Q. And so does Ryan Nowicki report
10 to you?
11 A. He doesn't right now, but he
12 did, yes.
13 Q. At the time of this letter, he
14 did?
15 A. (Inaudible.)
16 THE COURT REPORTER: If you
17 could repeat that?
18 A. Yes.
19 Q. So was Matt Bond then further
20 demoted?
21 MR. CLARK: Objection to form.
22 A. Could you restate your question?
23 Q. Was the move from Fire Safety
24 manager to this position, whatever it was
25 called, reporting to Ryan Nowicki, was

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1 M. ROCHE
2 that a further demotion?
3 A. This is a manager-level
4 position. It was what I would consider a
5 lateral move.
6 Q. Okay. And it looks like his
7 salary went up. Here it states he would
8 be earning \$107,120 in this role, but I
9 think in 2019, the document Bates stamped
10 619 -- sorry -- D000619 just above, it
11 looks like he was making 104,000. So
12 he -- he received a slight raise, is that
13 correct, when he moved positions?
14 MR. CLARK: Objection to form.
15 A. No. That's not correct. What
16 you're looking at is an offer of a certain
17 salary. He -- in between those two
18 offers, he did receive an annual increase,
19 as all employees do.
20 Q. Got it. And then at the bottom,
21 it looks like -- sorry. On page 624, it
22 looks like that is the offer letter for
23 his current role; is that correct? Sorry.
24 That's page 14 of the exhibit. The Bates
25 number is 624.

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1 M. ROCHE
2 A. Sure. Yes. That's what it
3 looks like to me.
4 Q. Okay. I'm done with that
5 exhibit.
6 THE COURT REPORTER:
7 Ms. Seliger, I'm sorry. Can I just
8 have two minutes really quickly? I
9 just have, like, a technical issue. I
10 apologize.
11 MS. SELIGER: Sure.
12 THE COURT REPORTER: Thank you.
13 One moment, please.
14 (A brief recess was taken.)
15 Q. I'd like to open Exhibit 6. If
16 you can just let me know when you have it
17 open in front of you.
18 A. Okay. Yes, I'm looking at it.
19 Q. Okay. Can you tell me what --
20 after you have a chance to kind of scroll
21 through it, can you tell me what these
22 notes appear to be or what these documents
23 appear to be?
24 A. Should I look at all 22 pages or
25 do you want to just start by looking at

<p style="text-align: right;">Page 134</p> <p>1 M. ROCHE</p> <p>2 the first one?</p> <p>3 Q. If you want to just scroll</p> <p>4 through just to get a sense of what they</p> <p>5 are and then we can look at individual</p> <p>6 pages.</p> <p>7 A. Just standby for a while. I'm</p> <p>8 going to read through this.</p> <p>9 Q. Sure.</p> <p>10 MS. SELIGER: Melissa, I'm</p> <p>11 sorry. I completely forgot my</p> <p>12 commitment to say I'd like to mark</p> <p>13 this as Exhibit 6. I would like to</p> <p>14 mark this as Exhibit 6.</p> <p>15 [The document was hereby marked</p> <p>16 as Plaintiff's Exhibit 6 for</p> <p>17 identification, as of this date.]</p> <p>18 MS. SELIGER: For the record,</p> <p>19 the exhibits that we've discussed thus</p> <p>20 far, I would like them marked as</p> <p>21 described during the deposition.</p> <p>22 Q. Again, whenever you're ready,</p> <p>23 I'm not -- I'm not going to test you on</p> <p>24 every word of these documents, but just</p> <p>25 when you're ready, and no rush, let me</p>	<p style="text-align: right;">Page 136</p> <p>1 M. ROCHE</p> <p>2 forty-three, it looks like page 17 of this</p> <p>3 exhibit.</p> <p>4 A. Okay.</p> <p>5 Q. Do you see at the top in the</p> <p>6 caption, it looks like it's dated</p> <p>7 October 5, 2021, and it says,</p> <p>8 "Participants: Michael Roche and Bernie</p> <p>9 Nuñez." Do you see that?</p> <p>10 A. Yes.</p> <p>11 Q. Sorry. Was that a "yes"?</p> <p>12 A. Yes, I see that.</p> <p>13 Q. So would this have been the</p> <p>14 agenda for your meeting with Bernie Nuñez</p> <p>15 on that date?</p> <p>16 A. That does appear to be what it</p> <p>17 is.</p> <p>18 Q. And do you see the handwritten</p> <p>19 notes on the document?</p> <p>20 A. Yes.</p> <p>21 Q. Is that your handwriting?</p> <p>22 A. Yes.</p> <p>23 Q. So did you generally take notes</p> <p>24 during these meetings on the actual</p> <p>25 agenda?</p>
<p style="text-align: right;">Page 135</p> <p>1 M. ROCHE</p> <p>2 know what these documents appear to be to</p> <p>3 you.</p> <p>4 A. Okay. I'm on page 19, so a few</p> <p>5 more minutes.</p> <p>6 Q. Okay.</p> <p>7 A. Okay. I'm all set.</p> <p>8 Q. Okay. What -- what do you</p> <p>9 believe this collection of documents to</p> <p>10 be?</p> <p>11 A. This looks like the weekly</p> <p>12 agenda that Joe would have drafted to</p> <p>13 provide to me for our one-on-one meetings.</p> <p>14 And then there's some period of time where</p> <p>15 it looks like after Joe resigned, when</p> <p>16 Bernie continued these -- this one-on-one</p> <p>17 meeting with me.</p> <p>18 Q. So after Joe left, who would</p> <p>19 have been drafting these documents?</p> <p>20 A. After Joe resigned, Bernie would</p> <p>21 have been drafting these.</p> <p>22 Q. Okay. If you scroll down to --</p> <p>23 let's see. It's Bates -- it's a page with</p> <p>24 the Bates stamp 643. I'll tell you what</p> <p>25 page of the exhibit it is. Yeah. Six</p>	<p style="text-align: right;">Page 137</p> <p>1 M. ROCHE</p> <p>2 A. Only on items that I had a</p> <p>3 specific interest in, but yes, it was not</p> <p>4 uncommon for me to do so.</p> <p>5 Q. Did you do the same when Joe</p> <p>6 Pasquarello was having one-on-one meetings</p> <p>7 with you?</p> <p>8 A. Yes.</p> <p>9 Q. Sorry. I can't --</p> <p>10 A. Yes.</p> <p>11 Q. Okay. If you look at the -- the</p> <p>12 first item on the agenda, it says, "Vacant</p> <p>13 Positions." It says, "Two manager</p> <p>14 positions." Were you and Bernie Nuñez</p> <p>15 discussing the hiring of two manager</p> <p>16 positions at that time?</p> <p>17 A. I'm not sure. During that</p> <p>18 period of time, again, there was a lot of</p> <p>19 transition and I don't know specifically</p> <p>20 what date -- I just -- I can't remember</p> <p>21 off the top of my head the exact day that</p> <p>22 Joe resigned, but it does look like we</p> <p>23 were talking about staffing.</p> <p>24 Q. So if I told you that Joe left</p> <p>25 Crothall on or about September 21, 2021,</p>

35 (Pages 134 - 137)

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1 M. ROCHE
2 you don't have to take my word for it, but
3 if -- I'm going to put that out there that
4 I -- I believe that's approximately the
5 time Joe was no longer at Crothall. If he
6 was at Crothall, would he have been part
7 of this meeting in October?
8 MR. CLARK: Objection to form.
9 You can answer.
10 A. So this meeting is a direct
11 report meeting for me. It's a way of me
12 getting up to speed on what's going on for
13 all of my direct reports. So the
14 requirement is that my direct report sit,
15 you know, have that meeting.
16 It's not uncommon for -- to
17 bring along a direct report of theirs or a
18 manager related, especially during a
19 transition like this, so it really just
20 depends how comfortable Bernie would have
21 been at that point.
22 Q. So the item that says, "Two
23 manager positions," does that mean you
24 discussed two manager positions in Fire
25 Safety?

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1 M. ROCHE
2 A. So, again, this is a document
3 produced by Bernie, not produced by
4 myself, so that might have been related to
5 a question of are we going to hire two
6 manager positions? Without any notes on
7 it, I really don't know what it was for,
8 but I assume it was a question from him to
9 me on how we would staff the department.
10 Q. So after Joe Pasquarello was no
11 longer at Crothall, did you and Bernie
12 ever discuss adding or -- or staffing two
13 manager positions in Fire Safety?
14 A. I would not be surprised if we
15 did. Ultimately, we chose to not do that.
16 Q. Why would you hire anyone other
17 than Bernie in Fire Safety?
18 MR. CLARK: Objection to form.
19 A. Could you restate that? I'm not
20 quite sure what you're asking.
21 Q. Well, Bernie Nuñez was the
22 director of fire safety at this time; is
23 that correct?
24 A. Yes.
25 Q. So why would he need any

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1 M. ROCHE
2 additional staff?
3 MR. CLARK: Objection to form.
4 A. It was always an intention to
5 have more than one manager.
6 Q. It was always whose intention to
7 have more than one manager?
8 A. It's always been my intention as
9 well as any of my predecessors.
10 Q. So was it ever the case that you
11 envisioned Fire Safety to be a one-person
12 job?
13 A. It was the case that it was a
14 one-person job at one point in time.
15 Q. Which point was that?
16 A. Back in 2013.
17 Q. Ah. Okay. So I'm not good at
18 math, but is that eight, nine years ago?
19 A. Yes.
20 Q. And I guess if you scroll to
21 page 641, so scroll up. It looks like it
22 says under, "Vacant positions," it says,
23 "Two manager positions," and then it has a
24 bullet point: "Julie/Mario contacting
25 prospects for interviews." Can you

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1 M. ROCHE
2 explain to me what that agenda item means?
3 A. It's likely referring to Julie,
4 who is our recruiter, and Mario, who, at
5 the time, was our facility coordinator.
6 Generally, that person would be
7 responsible for arranging interviews to
8 take some of the workload off of our
9 managers.
10 Q. So Julie and Mario were helping
11 Bernie contact prospects for interviews?
12 Is that what that means?
13 A. Yes.
14 Q. And it looks like they would be
15 prospects for these manager positions; is
16 that correct?
17 A. Yes. That's what it looks like.
18 Q. Okay. And then if you scroll up
19 to page 637 or Bates number 637, it looks
20 like on this page, page 11 of the
21 document, under "Management positions" on
22 November 16th of 2021, it says, "Matt Bond
23 - Assistant Director." Can you tell me
24 what this agenda item means?
25 A. It looks like Bernie's proposing

<p style="text-align: right;">Page 142</p> <p>1 M. ROCHE</p> <p>2 recruiting Matt Bond for an assistant</p> <p>3 director level position.</p> <p>4 Q. Why -- did you discuss this</p> <p>5 suggestion at that meeting?</p> <p>6 A. Yeah. I'm sure we did.</p> <p>7 Q. And do you recall what the</p> <p>8 discussion was around hiring Matt Bond as</p> <p>9 an assistant director?</p> <p>10 A. I don't recall that specific</p> <p>11 discussion. If I were to answer the</p> <p>12 question right now, I -- I'm sure that I</p> <p>13 would have said that Matt Bond has a very</p> <p>14 good knowledge base of the systems and</p> <p>15 operationally has been good in the role,</p> <p>16 but he had a lot of deficiencies and</p> <p>17 issues with the timeliness of his</p> <p>18 documentation.</p> <p>19 Q. So, ultimately, what was the</p> <p>20 discussion -- or strike that.</p> <p>21 What caused you or Bernie to</p> <p>22 approve Matt Bond as the assistant</p> <p>23 director of fire safety ultimately?</p> <p>24 MR. CLARK: Objection to form.</p> <p>25 You can answer.</p>	<p style="text-align: right;">Page 144</p> <p>1 M. ROCHE</p> <p>2 employee?</p> <p>3 MR. CLARK: Objection to form.</p> <p>4 A. I think he was considered</p> <p>5 somebody with a vast knowledge of Fire</p> <p>6 Safety systems and historical knowledge on</p> <p>7 the campus. In that respect, he knew far</p> <p>8 more than Bernie or Joe Pasquarello mostly</p> <p>9 related to his tenure here. He's been</p> <p>10 here nine years. It takes a lot of time</p> <p>11 to learn all the systems. And, again,</p> <p>12 that was a decision made by the then</p> <p>13 director of fire safety.</p> <p>14 Q. But he knew Matt Bond's history</p> <p>15 in his former circuit in Fire Safety when</p> <p>16 he made that decision?</p> <p>17 MR. CLARK: Objection to form.</p> <p>18 You can answer.</p> <p>19 A. Yes. He was made well aware of</p> <p>20 Matt Bond's previous issues.</p> <p>21 Q. Okay. I'm done with this</p> <p>22 exhibit. Are you familiar with the</p> <p>23 Outmatch Assessment Service for employers?</p> <p>24 A. I've seen it. I wouldn't</p> <p>25 consider myself familiar. I have seen it</p>
<p style="text-align: right;">Page 143</p> <p>1 M. ROCHE</p> <p>2 A. So to clarify, Matt Bond would</p> <p>3 have been reporting to Bernie, so it would</p> <p>4 have been 100 percent Bernie's decision.</p> <p>5 And, ultimately, I voiced hesitation, but</p> <p>6 not to the point where I told him that he</p> <p>7 would not be considered. If Bernie wanted</p> <p>8 to hire him, I was giving Bernie that</p> <p>9 managerial ability to hire him.</p> <p>10 Q. Why was Matt Bond hired as an</p> <p>11 assistant director as opposed to a</p> <p>12 manager?</p> <p>13 A. We were having discussions at</p> <p>14 that point of how to staff the department;</p> <p>15 whether to staff it with two junior level</p> <p>16 persons or one more -- more seasoned</p> <p>17 person, and I guess, ultimately, Bernie</p> <p>18 decided that he would like one person with</p> <p>19 more knowledge and some historical</p> <p>20 knowledge than two more green people,</p> <p>21 lower level people.</p> <p>22 Q. And so even though Matt Bond had</p> <p>23 not been in the Fire Safety Department</p> <p>24 since he left in 2020 or January of '21,</p> <p>25 he was considered a seasoned Fire Safety</p>	<p style="text-align: right;">Page 145</p> <p>1 M. ROCHE</p> <p>2 maybe twice. It's a relatively new</p> <p>3 program by HR and primarily I think used</p> <p>4 by HR, but I have seen a report, yes.</p> <p>5 Q. Do you know how HR uses that</p> <p>6 service?</p> <p>7 A. So my understanding is it's a --</p> <p>8 kind of a survey type personality based</p> <p>9 question where you answer a number of</p> <p>10 questions and they come up with a</p> <p>11 determination on how fit for the role you</p> <p>12 are.</p> <p>13 Q. And is it used in decision</p> <p>14 making regarding prospective candidates?</p> <p>15 A. So it's one of many tools. It</p> <p>16 misses completely your knowledge base and</p> <p>17 technical skills. It's more geared</p> <p>18 towards personalities and understanding</p> <p>19 relationships and kind of the soft skills.</p> <p>20 Not -- not as much, you know,</p> <p>21 knowledge-based requirements.</p> <p>22 Q. Okay. I'd like to open</p> <p>23 Exhibit 7.</p> <p>24 MS. SELIGER: I'd like to mark</p> <p>25 this as Exhibit 7.</p>

<p style="text-align: right;">Page 146</p> <p>1 M. ROCHE</p> <p>2 [The document was hereby marked</p> <p>3 as Plaintiff's Exhibit 7 for</p> <p>4 identification, as of this date.]</p> <p>5 Q. You'll see these are documents</p> <p>6 Bates stamped D504 to D512. These are</p> <p>7 what look like personnel type records</p> <p>8 related to Matt Bond. Do you see that?</p> <p>9 A. I am looking --</p> <p>10 MR. CLARK: Objection to form.</p> <p>11 Go ahead.</p> <p>12 A. I'm looking at it right now.</p> <p>13 Yes, I see it.</p> <p>14 Q. Do you see the -- the first few</p> <p>15 pages of the document or two pages,</p> <p>16 rather, look like a resume for Matt Bond?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. And then if you scroll</p> <p>19 down, the bottom of the -- of page three,</p> <p>20 Bates stamp 506, that it looks like some</p> <p>21 other sort of record begins. This is --</p> <p>22 would you agree that this is no longer his</p> <p>23 resume?</p> <p>24 A. Yes. This is no longer his</p> <p>25 resume.</p>	<p style="text-align: right;">Page 148</p> <p>1 M. ROCHE</p> <p>2 A. Yes.</p> <p>3 Q. Do you see that there are no</p> <p>4 effective dates or expiration dates next</p> <p>5 to those entries?</p> <p>6 A. Yes.</p> <p>7 Q. It appears that this is a place</p> <p>8 where certifications are recorded; is that</p> <p>9 true?</p> <p>10 MR. CLARK: Objection to form.</p> <p>11 A. This is the first time I'm</p> <p>12 seeing this document and I'm not familiar</p> <p>13 with it. It does look like those are</p> <p>14 certifications.</p> <p>15 Q. Do you know if Matt Bond had any</p> <p>16 of these at the time that he was assistant</p> <p>17 director in 2018 and '19?</p> <p>18 A. Yes, he did.</p> <p>19 Q. Do you know why it's not</p> <p>20 recorded here?</p> <p>21 A. My assumption would be that he</p> <p>22 didn't fill that text box in when he</p> <p>23 applied for his current role, but no. I</p> <p>24 do not know why it's not listed here.</p> <p>25 Q. And does he have those</p>
<p style="text-align: right;">Page 147</p> <p>1 M. ROCHE</p> <p>2 Q. Okay. If you scroll down to</p> <p>3 page -- it's Bates stamped 511, page eight</p> <p>4 of this document.</p> <p>5 A. Yes.</p> <p>6 Q. Do you see -- I guess it starts</p> <p>7 at the bottom of page seven, it lists</p> <p>8 certifications possessed by Matt Bond.</p> <p>9 So, actually, the page Bates stamped D510</p> <p>10 is where it seems to start.</p> <p>11 A. Yes.</p> <p>12 Q. So it looks like he has some</p> <p>13 certification called CHFM; is that</p> <p>14 correct?</p> <p>15 A. Yes.</p> <p>16 Q. And it says it has an effective</p> <p>17 date listed there and then an expiration</p> <p>18 date, which is October 31, 2022; is that</p> <p>19 correct?</p> <p>20 A. Yes. That's what it looks like.</p> <p>21 Q. And then if you scroll down to</p> <p>22 the next page, there are similar entries</p> <p>23 for a certification called F-60, W-7, F-7,</p> <p>24 F-1, S-14, S-13, S-12, and S-95. Do you</p> <p>25 see that?</p>	<p style="text-align: right;">Page 149</p> <p>1 M. ROCHE</p> <p>2 certifications now?</p> <p>3 A. I think you already asked me</p> <p>4 that and, again, my understanding is yes,</p> <p>5 but I don't know that to be true.</p> <p>6 Q. Okay. But when he was assistant</p> <p>7 director of fire safety in 2018 and '19,</p> <p>8 you did know that to be true?</p> <p>9 A. Yes. He had the fire</p> <p>10 certifications. I'm not sure if he had</p> <p>11 the CHFM and there was one new one that he</p> <p>12 got. Yeah. Based on what's listed, I</p> <p>13 would say that he had all of those up to</p> <p>14 that point.</p> <p>15 Q. But wouldn't it be based on you</p> <p>16 seeing evidence of those certifications?</p> <p>17 MR. CLARK: Objection to form.</p> <p>18 A. I likely did at some point in</p> <p>19 time. I don't recall specifics of it.</p> <p>20 Q. Okay. Is that because it was</p> <p>21 not a priority to have evidence of those</p> <p>22 certifications?</p> <p>23 MR. CLARK: Objection to form.</p> <p>24 A. No. It's because that was a</p> <p>25 long time ago.</p>

<p style="text-align: right;">Page 150</p> <p>1 M. ROCHE</p> <p>2 Q. And I don't see the F-89 listed</p> <p>3 here. Does he have the F-89 right now?</p> <p>4 A. Yes.</p> <p>5 Q. How do you know?</p> <p>6 A. I've seen a copy of that.</p> <p>7 MS. SELIGER: That was also a</p> <p>8 document that we requested and that</p> <p>9 was not produced, so I'll ask that it</p> <p>10 be produced.</p> <p>11 MR. CLARK: Okay. Send us a</p> <p>12 note and we will follow up.</p> <p>13 MS. SELIGER: Will do.</p> <p>14 Q. Okay. When you put Joe</p> <p>15 Pasquarello on a performance improvement</p> <p>16 plan, you required him to get certain</p> <p>17 certifications by a certain date; is that</p> <p>18 correct?</p> <p>19 A. Yes.</p> <p>20 Q. And I believe you required him</p> <p>21 to get the F-1, F-3, F-4, F-7, W-7, S-12,</p> <p>22 S-13, S-14, S-95, and F-89; is that</p> <p>23 correct?</p> <p>24 A. Yes. Some of those he already</p> <p>25 had, but I just wanted to document the</p>	<p style="text-align: right;">Page 152</p> <p>1 M. ROCHE</p> <p>2 Q. How did you know he made no</p> <p>3 effort to get certain certifications?</p> <p>4 A. Because he didn't have them.</p> <p>5 Q. How did you know he didn't have</p> <p>6 them?</p> <p>7 A. When he got them, he -- shortly</p> <p>8 before his -- shortly before he resigned,</p> <p>9 he produced a copy of all of his</p> <p>10 certifications, which was the first time</p> <p>11 that some of them I had seen. So I know</p> <p>12 that some of them were new.</p> <p>13 Q. So it's first time you saw the</p> <p>14 documentation, so how would you know that</p> <p>15 he didn't have it?</p> <p>16 A. Because on the --</p> <p>17 MR. CLARK: Hang on. Objection</p> <p>18 to form. Go ahead, Mike. You can</p> <p>19 answer.</p> <p>20 A. On the documentation is a copy</p> <p>21 of the license. That documentation has</p> <p>22 the license issue date.</p> <p>23 Q. Mm-hmm. So you only knew that</p> <p>24 he didn't have it prior once he actually</p> <p>25 attained the goal? Is that what</p>
<p style="text-align: right;">Page 151</p> <p>1 M. ROCHE</p> <p>2 fact that they were current and that he</p> <p>3 had them.</p> <p>4 Q. So it became very important to</p> <p>5 you to document the status of his</p> <p>6 certifications at that time; is that</p> <p>7 correct?</p> <p>8 MR. CLARK: Objection to form.</p> <p>9 A. Can you just ask that question</p> <p>10 again?</p> <p>11 Q. Was it important to you to</p> <p>12 document the status of his certifications</p> <p>13 at the time you gave him the performance</p> <p>14 improvement plan?</p> <p>15 A. So at the start of his</p> <p>16 employment, he made mention to me that he</p> <p>17 had all those certifications. I don't</p> <p>18 know if that's true or not. What I know</p> <p>19 is that he did not have the F-89 for the</p> <p>20 bulk of his time here.</p> <p>21 I mentioned that obviously when</p> <p>22 we started as well as during his annual</p> <p>23 appraisal and he made no effort to do</p> <p>24 that, so I felt it important to document</p> <p>25 it so that he would follow through.</p>	<p style="text-align: right;">Page 153</p> <p>1 M. ROCHE</p> <p>2 you're saying?</p> <p>3 MR. CLARK: Objection --</p> <p>4 objection to form.</p> <p>5 A. No. What I'm saying is that</p> <p>6 some of them were newly -- were newly</p> <p>7 issued.</p> <p>8 Q. Mm-hmm. Which ones?</p> <p>9 A. I'm going to have to look that</p> <p>10 up.</p> <p>11 Q. Were you aware that Joe</p> <p>12 Pasquarello came into the position with a</p> <p>13 Z-89 certification?</p> <p>14 MR. CLARK: Objection to form.</p> <p>15 A. He made mention of that to me</p> <p>16 and I have never seen it. He told me that</p> <p>17 he just had to go and take a test. He let</p> <p>18 it expire and he lost it. He then, after</p> <p>19 I had given him the -- the performance</p> <p>20 improvement plan, he took time off of work</p> <p>21 and he, at Crothall's expense, took a</p> <p>22 class and they reissued it.</p> <p>23 So there was a long period of</p> <p>24 time during his tenure here where,</p> <p>25 although he says he had it when he came</p>

<p style="text-align: right;">Page 154</p> <p>1 M. ROCHE</p> <p>2 in, he did not have it and it was not</p> <p>3 valid.</p> <p>4 Q. So first of all, did Crothall</p> <p>5 reimburse him for the cost of that class?</p> <p>6 A. If he submitted an expense</p> <p>7 report, they would have, yes.</p> <p>8 Q. Is there -- would there be</p> <p>9 documentation of that reimbursement?</p> <p>10 A. If he submitted an expense</p> <p>11 report, there would be documentation of</p> <p>12 that expense report.</p> <p>13 Q. And what is the connection or</p> <p>14 not between a Z-89 certification and an</p> <p>15 F-89 certification?</p> <p>16 A. So my understanding is the Z-89</p> <p>17 is -- basically says that you took the</p> <p>18 class and you passed the written test, and</p> <p>19 the F-89 is after you've taken and passed</p> <p>20 the on-site practical exam.</p> <p>21 Q. So you can come into a job with</p> <p>22 a Z-89 certification, but you can't</p> <p>23 actually get the F-89 certification until</p> <p>24 you're in a building; is that correct?</p> <p>25 A. Correct.</p>	<p style="text-align: right;">Page 156</p> <p>1 M. ROCHE</p> <p>2 naturally expire after a certain period?</p> <p>3 MR. CLARK: Objection to form.</p> <p>4 A. Can you restate?</p> <p>5 Q. It's okay. I'll move on. Who</p> <p>6 issues the F-89 certification?</p> <p>7 A. New York City Fire Department.</p> <p>8 Q. And like you -- you testified</p> <p>9 earlier that Joe joined Crothall just</p> <p>10 before COVID hit. Was the fire department</p> <p>11 testing and issuing certifications during</p> <p>12 COVID?</p> <p>13 A. There was a period of time that</p> <p>14 they were not, but they were still</p> <p>15 accepting requests and the only way for</p> <p>16 you to -- if you had submitted that</p> <p>17 request, they would have put your license</p> <p>18 so that it wouldn't expire.</p> <p>19 So they would have allowed even</p> <p>20 if -- even if the test date, based upon</p> <p>21 their scheduling availability, was after</p> <p>22 your expiration, as long as you requested</p> <p>23 it, they wouldn't require you to go</p> <p>24 through the course again.</p> <p>25 In this case, Joe never</p>
<p style="text-align: right;">Page 155</p> <p>1 M. ROCHE</p> <p>2 Q. And didn't you testify earlier</p> <p>3 that the process of getting an F-89</p> <p>4 certification is lengthy?</p> <p>5 A. It is lengthy. The issue that I</p> <p>6 took with it is that it wasn't requested.</p> <p>7 Q. What wasn't requested?</p> <p>8 A. You have to submit a form to</p> <p>9 request that exam through the fire</p> <p>10 department.</p> <p>11 Q. Do you know on what date Joe</p> <p>12 Pasquarello's certification expired?</p> <p>13 A. I do not.</p> <p>14 Q. So how did you know that it was</p> <p>15 an issue when you wrote that performance</p> <p>16 plan?</p> <p>17 MR. CLARK: Objection to form.</p> <p>18 You can answer.</p> <p>19 A. How did I know it was an issue?</p> <p>20 What do you mean by that?</p> <p>21 Q. How did you know it was expired?</p> <p>22 A. I asked him if he has the</p> <p>23 license and he said no, he had allowed it</p> <p>24 to expire.</p> <p>25 Q. He allowed it or does it</p>	<p style="text-align: right;">Page 157</p> <p>1 M. ROCHE</p> <p>2 requested it. He allowed the license to</p> <p>3 expire. He then had to retake the class</p> <p>4 and retake the test and be issued a new</p> <p>5 license.</p> <p>6 Q. And when did you make it clear</p> <p>7 to Joe that you wanted him to make the</p> <p>8 request?</p> <p>9 A. During my interview with him. I</p> <p>10 said that would it be a problem for him to</p> <p>11 get his license assigned to the building?</p> <p>12 He stated that no, he has the license</p> <p>13 already and it would be simple.</p> <p>14 Q. Okay. So you asked him if it</p> <p>15 would be a problem. And when did you</p> <p>16 direct him to make sure he got that F-89</p> <p>17 certification?</p> <p>18 A. On his first day --</p> <p>19 MR. CLARK: Objection to form.</p> <p>20 A. On his first day of employment,</p> <p>21 we went over expectations. That was one</p> <p>22 of the expectations.</p> <p>23 Q. And --</p> <p>24 A. During our annual appraisal, we</p> <p>25 reviewed and I think it's documented on</p>

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1 M. ROCHE
2 it, we reviewed it and it didn't happen
3 after that. It wasn't until I put it on
4 an improvement plan that he actually
5 followed through with it.
6 Q. When you mentioned getting the
7 certification on his annual review, did
8 you give him a time frame within which to
9 obtain it?
10 A. I don't recall. It certainly
11 would have been within the year prior to
12 the next -- prior to the next annual
13 appraisal.
14 Q. What appraisal are you talking
15 about?
16 MR. CLARK: Objection to form.
17 A. -- appraisal.
18 THE COURT REPORTER: If you
19 could repeat that, Mr. Roche?
20 A. I'm talking about the Crothall
21 annual appraisal.
22 Q. Oh. So you think you would have
23 given him 12 months to get that done?
24 A. Well, that was --
25 MR. CLARK: Objection to form.

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1 M. ROCHE
2 Sorry, Mike. Objection to form.
3 THE WITNESS: Sorry.
4 MR. CLARK: Go ahead.
5 A. That was a goal on his annual
6 appraisal, to the best of my recollection.
7 Q. And did he get that done within
8 a year?
9 A. He did -- he did get it done
10 after I put it on the improvement plan, so
11 yes, he got it done within a year.
12 Q. Right. But it's not -- you put
13 it on the improvement plan prior to him
14 failing to meet that goal; is that
15 correct?
16 MR. CLARK: Objection to form.
17 A. Yeah. I'm not sure I
18 understand.
19 Q. Meaning in -- at the end of 2020
20 when you provided him an annual review and
21 gave him 12 months to get the F-89
22 certification -- sorry. At the end of
23 2020, I imagine at some point you gave him
24 an annual review and you gave him about a
25 year to get that F-89 training or

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1 M. ROCHE
2 certification; is that correct?
3 A. It's not correct. That was a
4 goal. My expectation was that it -- was
5 that it would be completed far before
6 12 months.
7 Q. That --
8 A. I would have been -- I would
9 have been disappointed had it not been.
10 Q. Although you've testified that
11 you're well aware that this is a lengthy
12 process that could last two years; isn't
13 that correct?
14 MR. CLARK: Objection to form.
15 A. I think I already said that I
16 would have been sufficiently satisfied if
17 the request had been made.
18 Q. So when Joe received a PIP from
19 you, which I believe was in or about June
20 of 2021, it had not been 12 months since
21 his annual review; is that correct?
22 A. Yes.
23 Q. So is it correct that an item on
24 his performance plan was an item that was
25 not yet due to be performed?

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1 M. ROCHE
2 MR. CLARK: Objection to form.
3 You can answer it again.
4 A. Could you ask the question
5 again?
6 Q. In June of 2021, had Joe
7 Pasquarello missed the deadline you had
8 set for him to obtain his F-89
9 certification?
10 A. There was no deadline presented.
11 It was a goal and an expectation, but
12 there was no documented deadline. My
13 expectation was that it would have been
14 completed before having to put him on an
15 improvement plan. My expectation is it
16 would have been completed quickly.
17 Q. And aside from Joe's first day
18 at work, did you communicate your desire
19 that he have that certification at other
20 times?
21 MR. CLARK: Objection to form.
22 A. I would say we regularly talked
23 about it.
24 Q. Was it on the agendas for your
25 one-on-one meetings?

<p style="text-align: right;">Page 162</p> <p>1 M. ROCHE</p> <p>2 A. Joe produces the agendas so I</p> <p>3 don't believe he included it in the</p> <p>4 agendas, but it was certainly discussed.</p> <p>5 Q. Did you ever e-mail him about</p> <p>6 getting that certification?</p> <p>7 A. I don't recall.</p> <p>8 Q. But it sounds like you felt it</p> <p>9 was very important that it be up to date?</p> <p>10 MR. CLARK: Objection to form.</p> <p>11 A. It's important that a manager</p> <p>12 has the certifications within their</p> <p>13 fields.</p> <p>14 Q. Okay. Do you know -- I'm going</p> <p>15 to switch over. Do you know who Joe</p> <p>16 Jurain is?</p> <p>17 A. Yes.</p> <p>18 Q. Do you know approximately how</p> <p>19 old he is?</p> <p>20 A. I would say he's in his fifties,</p> <p>21 but no, I don't know exactly.</p> <p>22 Q. What is his current job?</p> <p>23 A. He is a Fire Safety manager at</p> <p>24 Mount Sinai Queens.</p> <p>25 Q. Is that a facility that you are</p>	<p style="text-align: right;">Page 164</p> <p>1 M. ROCHE</p> <p>2 Q. And did he talk to you about his</p> <p>3 efforts to counsel -- informally counsel</p> <p>4 Joe Jurain?</p> <p>5 A. I believe so. We had very</p> <p>6 similar discussions as the Matt Bond</p> <p>7 discussions. There was a lot of back and</p> <p>8 forth, but also a lot of -- a lot of -- a</p> <p>9 lot of ambiguity. He had issues, but had</p> <p>10 a difficult time specifying exactly what</p> <p>11 those issues were.</p> <p>12 Q. Joe had issues or -- I'm sorry.</p> <p>13 They're both Joe. Joe Jurain had issues</p> <p>14 with specifying or --</p> <p>15 A. I'm sorry -- I'm sorry. I meant</p> <p>16 Joe Pasquarello had issues specifying</p> <p>17 exactly what problems he was having with</p> <p>18 Joe Jurain, but he did make clear that</p> <p>19 he -- that Joe Jurain was not meeting his</p> <p>20 expectations.</p> <p>21 Q. And did Joe Pasquarello</p> <p>22 ultimately issue Joe Jurain a progressive</p> <p>23 counseling or a performance plan?</p> <p>24 A. Yes, he did.</p> <p>25 Q. Did you support that move?</p>
<p style="text-align: right;">Page 163</p> <p>1 M. ROCHE</p> <p>2 in charge of?</p> <p>3 A. Yes.</p> <p>4 Q. And what was his prior position?</p> <p>5 A. He was a -- either a Mount Sinai</p> <p>6 Fire Safety manager or supervisor. I</p> <p>7 can't quite recall, but he worked in the</p> <p>8 Fire Safety Department at Mount Sinai</p> <p>9 Hospital under Joe.</p> <p>10 Q. And did he work for Joe's</p> <p>11 predecessor as well?</p> <p>12 A. Joe -- Joe's predecessor was</p> <p>13 Matt Bond. I don't recall whether or not</p> <p>14 he started shortly after or shortly</p> <p>15 before. I do know that he was employed</p> <p>16 when Joe got here.</p> <p>17 Q. Okay. And how was his</p> <p>18 performance in his role at the Mount Sinai</p> <p>19 Hospital Fire Safety Department?</p> <p>20 A. There were issues with his</p> <p>21 performance.</p> <p>22 Q. And how are -- how do you know</p> <p>23 that?</p> <p>24 A. Joe told me. Joe Pasquarello</p> <p>25 told me.</p>	<p style="text-align: right;">Page 165</p> <p>1 M. ROCHE</p> <p>2 A. I felt it was the right move at</p> <p>3 the time based upon the information that I</p> <p>4 was being given.</p> <p>5 Q. And I'm sorry. Did Joe</p> <p>6 Pasquarello issue Joe Jurain a PIP or a</p> <p>7 progressive counseling?</p> <p>8 A. I know that he issued him a PIP.</p> <p>9 I'm not sure whether or not there was a</p> <p>10 counseling associated with that.</p> <p>11 MS. SELIGER: We've called for</p> <p>12 the production of that PIP. It was</p> <p>13 not produced, so I'm going to call</p> <p>14 that it be produced.</p> <p>15 Q. Do you know if Joe Jurain</p> <p>16 completed that performance improvement</p> <p>17 plan?</p> <p>18 A. I don't know if he completed it.</p> <p>19 Ultimately, it was resolved by Joe</p> <p>20 transferring and applying to and accepting</p> <p>21 a position within Mount Sinai Queens.</p> <p>22 And, again, that's Joe Jurain.</p> <p>23 Q. Who suggested that he transition</p> <p>24 to the other hospital?</p> <p>25 A. So he was given a performance</p>

<p style="text-align: right;">Page 166</p> <p>1 M. ROCHE</p> <p>2 improvement plan. Based upon my</p> <p>3 recollection, I think we had gotten to a</p> <p>4 point where it seemed like he was not --</p> <p>5 he was still not able to achieve all the</p> <p>6 aspects of that plan and that his workload</p> <p>7 was more than he could handle.</p> <p>8 And we had discussions with Bob</p> <p>9 Shaffer and Chris Hariegel on what the</p> <p>10 best course of action would be for him.</p> <p>11 He did have a lot of good qualities and he</p> <p>12 had some bad qualities. And, ultimately,</p> <p>13 I believe it was Chris that made the</p> <p>14 suggestion why not try him at a smaller</p> <p>15 site where it would be more manageable and</p> <p>16 a lot less going on.</p> <p>17 Q. Was Joe Pasquarello involved in</p> <p>18 those conversations?</p> <p>19 A. Some of them, he was involved</p> <p>20 in. Some of them, he was not involved in.</p> <p>21 Q. Did Joe Pasquarello ever suggest</p> <p>22 that Joe Jurain be transferred to a</p> <p>23 smaller facility?</p> <p>24 A. I don't recall. It certainly</p> <p>25 wasn't an idea that he initiated, but he</p>	<p style="text-align: right;">Page 168</p> <p>1 M. ROCHE</p> <p>2 A. Primarily, he was responsible</p> <p>3 for directly overseeing the Fire Safety</p> <p>4 marshals, the Mount Sinai staff, and</p> <p>5 basically managing day-to-day operations,</p> <p>6 issuing hot-work permits, accepting and</p> <p>7 approving shutdown requests with input</p> <p>8 from other members of Fire Safety and</p> <p>9 Engineering, and then just any -- any</p> <p>10 other task assigned to him by Joe</p> <p>11 Pasquarello.</p> <p>12 Q. Was he a full-time employee?</p> <p>13 A. He was.</p> <p>14 Q. Okay. And do you know who</p> <p>15 Omelfi Garcia is?</p> <p>16 A. Yes.</p> <p>17 Q. Did she ever work in the Fire</p> <p>18 Safety Department at Mount Sinai Hospital?</p> <p>19 A. Yes.</p> <p>20 Q. Do you recall approximately when</p> <p>21 she did that?</p> <p>22 A. Yes. Again, it was under Joe's</p> <p>23 tenure and I recall that she started -- it</p> <p>24 would have been 2021, probably shortly</p> <p>25 after Kanterman, I believe.</p>
<p style="text-align: right;">Page 167</p> <p>1 M. ROCHE</p> <p>2 may have heard it from Bob and then</p> <p>3 brought it up to me.</p> <p>4 Q. Do you know who Ron Kanterman</p> <p>5 is?</p> <p>6 A. I do.</p> <p>7 Q. And what was -- was he an</p> <p>8 employee at Crothall?</p> <p>9 A. Yes, he was.</p> <p>10 Q. What was his role?</p> <p>11 A. He was a Fire Safety super --</p> <p>12 (Court reporter had connection</p> <p>13 issues.)</p> <p>14 A. I would --</p> <p>15 THE COURT REPORTER: Folks -- I</p> <p>16 apologize, folks. My connection</p> <p>17 froze. I will read what I have so</p> <p>18 far, and then we'll go from there.</p> <p>19 (Previous testimony was read.)</p> <p>20 THE COURT REPORTER: And that's</p> <p>21 where it cut out.</p> <p>22 A. Sure. So just to finish that,</p> <p>23 he was a Fire Safety supervisor.</p> <p>24 Q. As a Fire Safety supervisor,</p> <p>25 what were his responsibilities?</p>	<p style="text-align: right;">Page 169</p> <p>1 M. ROCHE</p> <p>2 Q. Okay. And when do you believe</p> <p>3 she left?</p> <p>4 A. She left either just before or</p> <p>5 just after Kanterman.</p> <p>6 Q. Okay. Was Ron Kanterman</p> <p>7 replacing anyone when he joined Fire</p> <p>8 Safety?</p> <p>9 A. I don't recall. Over -- over</p> <p>10 that, you know, three-year period, there</p> <p>11 were a lot of transitions of who went in</p> <p>12 and out and what levels they were and, you</p> <p>13 know, I can't remember specifics.</p> <p>14 Q. Did Joe Jurain manage the fire</p> <p>15 marshals and fire staff before Ron</p> <p>16 Kanterman got there?</p> <p>17 MR. CLARK: Objection to form.</p> <p>18 You can answer.</p> <p>19 A. Joe Jurain had some role in</p> <p>20 managing fire marshals. He did -- he did</p> <p>21 a lot of other things. At that point in</p> <p>22 time, I believe that was when Matt Bond</p> <p>23 and Joe Jurain were still working under</p> <p>24 Joe Pasquarello.</p> <p>25 And Joe Pasquarello really</p>

<p style="text-align: right;">Page 170</p> <p>1 M. ROCHE</p> <p>2 didn't do a great job with defining roles</p> <p>3 and responsibilities, which is why there</p> <p>4 was a lot of jumping around and people</p> <p>5 taking on new things and -- and basically</p> <p>6 tasks not getting completed. There was a</p> <p>7 lot of mismanagement. I would say,</p> <p>8 primarily, Joe Jurain did manage the fire</p> <p>9 marshals at that point.</p> <p>10 Q. And did anyone manage the fire</p> <p>11 marshals between the time Joe Jurain left</p> <p>12 and the time Ron Kanterman came in?</p> <p>13 A. I don't remember the length of</p> <p>14 time, but I mean, certainly the answer is</p> <p>15 yes. Somebody managed them. All of that</p> <p>16 falls under Joe Pasquarello, so Joe</p> <p>17 Pasquarello probably had a piece of that.</p> <p>18 And, again, I don't remember</p> <p>19 specifically the date of when Matt Bond</p> <p>20 left the department, but, really,</p> <p>21 throughout the whole -- his whole tenure,</p> <p>22 it was -- it was up to Joe to determine</p> <p>23 who was going to do what.</p> <p>24 Q. So if he had no managers for any</p> <p>25 period of time, would that mean that he</p>	<p style="text-align: right;">Page 172</p> <p>1 M. ROCHE</p> <p>2 MR. CLARK: Objection to form.</p> <p>3 A. -- mean by "expert"?</p> <p>4 Q. Well, I'm just wondering how</p> <p>5 Bobby Denver or Doug Rome or John Barton</p> <p>6 can assist with fire safety related</p> <p>7 duties?</p> <p>8 MR. CLARK: Objection to form.</p> <p>9 You can answer. Well, is that a</p> <p>10 question? Is the question how did</p> <p>11 they assist or you're wondering how</p> <p>12 they assisted?</p> <p>13 MS. SELIGER: I'm questioning</p> <p>14 how they assisted.</p> <p>15 MR. CLARK: Objection to form.</p> <p>16 You can answer.</p> <p>17 A. So starting with John Barton,</p> <p>18 he's got about 40 years of experience. He</p> <p>19 is certainly more qualified and</p> <p>20 knowledgeable even in Fire Safety than Joe</p> <p>21 Pasquarello is without any doubt. He</p> <p>22 holds a number of licenses. He</p> <p>23 independently managed multiple programs at</p> <p>24 other hospitals prior to his time here.</p> <p>25 So there's no question in my mind or</p>
<p style="text-align: right;">Page 171</p> <p>1 M. ROCHE</p> <p>2 was managing the fire marshals?</p> <p>3 A. Yes, I -- I believe so. During</p> <p>4 that time, he had a lot of assistance from</p> <p>5 other engineering managers because I think</p> <p>6 we acknowledged, you know, for that short</p> <p>7 period of time, he was short-staffed.</p> <p>8 Q. Are you referring to the period</p> <p>9 of time between Joe Jurain leaving and Ron</p> <p>10 Kanterman coming in?</p> <p>11 A. There was a period of time where</p> <p>12 Joe was the only person within the Fire</p> <p>13 Safety Department. That's the period of</p> <p>14 time I'm referring to.</p> <p>15 Q. So which people are you saying</p> <p>16 were assisting him at that time?</p> <p>17 A. So I personally did a lot more</p> <p>18 than I should have for the department. I</p> <p>19 know that Bobby Denver was a big supporter</p> <p>20 and assisted him in a lot of ways with</p> <p>21 scheduling and dealing with vendors. Doug</p> <p>22 Rome had some role in that. John Barton</p> <p>23 assisted him quite a bit.</p> <p>24 Q. I mean, those guys are not Fire</p> <p>25 Safety experts; is that correct?</p>	<p style="text-align: right;">Page 173</p> <p>1 M. ROCHE</p> <p>2 anyone else's that he would be more</p> <p>3 qualified than Joe.</p> <p>4 When it comes to Bobby Denver</p> <p>5 and Doug -- Doug Rome, both of them are --</p> <p>6 are engineering graduates with more</p> <p>7 hospital experience than Joe Pasquarello</p> <p>8 has. Both of them are far more</p> <p>9 knowledgeable in many of the different</p> <p>10 systems than Joe Pasquarello ever was. So</p> <p>11 I think it's fairly easy to determine how</p> <p>12 they assisted.</p> <p>13 Q. What systems are you talking</p> <p>14 about?</p> <p>15 A. Joe did not have a great</p> <p>16 understanding of the types of testings at</p> <p>17 times and how to complete them, and he</p> <p>18 needed assistance coordinating and</p> <p>19 arranging that type of work and that's the</p> <p>20 assistance that was provided.</p> <p>21 Q. Didn't you say you have a</p> <p>22 platform or technology that tells managers</p> <p>23 what maintenance and testing needs to get</p> <p>24 done?</p> <p>25 MR. CLARK: Objection to form.</p>

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1 M. ROCHE
2 A. Yes.
3 Q. So did these people that you
4 mentioned do any of the work that you
5 deemed part of Joe Pasquarello's job
6 responsibilities?
7 A. Yes.
8 Q. Which tasks did they do that
9 were part of Joe's actual
10 responsibilities?
11 A. John Barton conducted all of the
12 annual fire pump flows and repairs. Bobby
13 Denver assisted with -- Bobby and Doug
14 both assisted with getting Pyro. Doug
15 specifically -- sorry. Pyro -- PyroSignal
16 is a vendor. I started saying Pyro, but
17 PyroSignal is the fire alarm vendor.
18 Bobby Denver assisted with
19 coordinating them and expediting schedules
20 for certain testing. Doug Rome
21 coordinated elevator testing, which is --
22 has a fire alarm component.
23 Q. And you said John Barton worked
24 with the -- he managed the repairs and
25 flows for fire pumps; is that what you

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1 M. ROCHE
2 said?
3 A. Yes. So there's an annual
4 requirement to test your fire pumps and
5 achieve a certain flow rate. He managed
6 that program as well as correcting any
7 deficiencies. Historically, that was a
8 Fire Safety program, but one that Joe was
9 not able to adequately manage.
10 Q. So was Joe meant to repair the
11 fire pumps or test them himself?
12 A. Himself?
13 Q. Yeah.
14 A. No.
15 Q. So what -- what did John Barton
16 do that Joe Pasquarello should have done?
17 A. Joe didn't have the background
18 to understand what types of repairs were
19 needed and how to achieve those repairs.
20 He couldn't -- he couldn't adequately
21 describe it to a contractor. So John
22 Barton took that on and did that role;
23 ultimately repaired them.
24 Q. Doesn't a contractor know what's
25 involved with those tests and repairs?

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1 M. ROCHE
2 MR. CLARK: Objection to form.
3 A. Usually it's an engineer that
4 would recommend those types of repairs and
5 the contractor follows the direction the
6 engineer gives.
7 Q. So you hired Joe knowing he's
8 not an engineer; is that correct?
9 A. I didn't -- yes, that's correct.
10 Joe is not an engineer.
11 Q. Okay.
12 MR. CLARK: Leah, at a
13 convenient time, can we take a break?
14 MS. SELIGER: Yes. Let me look.
15 We can take a break now.
16 MR. CLARK: Okay. Off the
17 record for a moment.
18 (A discussion was held off the
19 record.)
20 (A lunch recess was taken from
21 2:30 p.m. until 3:16 p.m.)
22 MS. SELIGER: All right. So
23 we're back on the record.
24 Q. I wanted to just finish
25 addressing some things we were talking

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1 M. ROCHE
2 about just before the break.
3 Did you testify earlier that
4 John Barton took over testing and
5 maintenance of the fire pumps at some
6 point during Joe Pasquarello's tenure?
7 A. Well, I think I said that I
8 assisted him -- that he assisted him.
9 Historically, it was always a Fire Safety
10 function. It's obviously a Fire Safety
11 system that serves all the sprinklers.
12 John did get involved and was managing
13 that program for some time.
14 Q. So when you say "managing that
15 program," was managing that program
16 supposed to be Joe Pasquarello's job?
17 A. Yes.
18 Q. Sorry. Did you say yes?
19 A. Yes.
20 Q. Okay. And prior to Joe
21 Pasquarello's tenure, who managed the
22 program of testing and maintenance of the
23 fire pumps?
24 A. Fire Safety.
25 Q. Which individual human being was

<p style="text-align: right;">Page 178</p> <p>1 M. ROCHE</p> <p>2 the one doing it?</p> <p>3 A. I don't recall. You know, going</p> <p>4 back as far as 2013 through 2015, it was</p> <p>5 always in Fire Safety. Bob Shaffer did it</p> <p>6 and Bill VanWart did it. Matt Bond may</p> <p>7 have done it. I don't know at what point</p> <p>8 it transitioned into a Plant activity.</p> <p>9 Q. How about in 2019 just before</p> <p>10 Joe Pasquarello joined Crothall? Who was</p> <p>11 managing the testing and maintenance of</p> <p>12 fire pumps?</p> <p>13 A. I don't know. Again, sometime</p> <p>14 between -- between, like, 2017 and 2021,</p> <p>15 it had become managed by Plant. But</p> <p>16 historically, it was always a Fire Safety</p> <p>17 function.</p> <p>18 Q. So was it not a Fire Safety</p> <p>19 function in October of 2019 when Joe</p> <p>20 Pasquarello joined? Is that what you're</p> <p>21 saying?</p> <p>22 A. I don't know who was managing it</p> <p>23 at that time. It -- the fact of the</p> <p>24 matter is that it is a Fire Safety device</p> <p>25 and should be managed by the Fire Safety</p>	<p style="text-align: right;">Page 180</p> <p>1 M. ROCHE</p> <p>2 Q. Who had that expectation?</p> <p>3 A. I did.</p> <p>4 Q. You did? So you said sometime</p> <p>5 between 2017 and 2021, that responsibility</p> <p>6 was put with Plant, but you had always</p> <p>7 expected to return it to Fire Safety?</p> <p>8 A. Yes. Every other hospital</p> <p>9 across the system is -- it is managed by</p> <p>10 Fire Safety. It's a fire pump, so it's</p> <p>11 Fire Safety managed.</p> <p>12 There was a period of time here</p> <p>13 where people had a lot of issues getting</p> <p>14 the corrections done and figuring out how</p> <p>15 to correct it and other people had to step</p> <p>16 in to resolve that issue, and it is now</p> <p>17 back in the hands of Fire Safety.</p> <p>18 Q. Which individual person is</p> <p>19 managing the testing and maintenance of</p> <p>20 the fire pumps now?</p> <p>21 A. Right now, it's the director of</p> <p>22 fire safety, which is Bernie Nuñez.</p> <p>23 Q. And I think you mentioned that</p> <p>24 sometime between 2017 and 2021, that role</p> <p>25 was moved to Plant. Is that the area that</p>
<p style="text-align: right;">Page 179</p> <p>1 M. ROCHE</p> <p>2 Department.</p> <p>3 Q. I understand you think it should</p> <p>4 be managed by the Fire Safety Department,</p> <p>5 but who was managing the testing and</p> <p>6 maintenance of fire pumps before Joe</p> <p>7 Pasquarello? And I don't mean ancient</p> <p>8 history. I mean in 2019, let's say three</p> <p>9 months before Joe Pasquarello joined, who</p> <p>10 was the individual who was managing that</p> <p>11 program?</p> <p>12 MR. CLARK: Objection to form.</p> <p>13 You can answer.</p> <p>14 A. So you did ask me that I think</p> <p>15 same question, and I answered to the best</p> <p>16 of my ability already. I don't have any</p> <p>17 additional information.</p> <p>18 Q. So I'm sorry. I forgot what you</p> <p>19 said. Can you just repeat your answer?</p> <p>20 A. Sure. So I said sometime</p> <p>21 between 2017 and 2021, that function was</p> <p>22 performed by Plant maintenance as opposed</p> <p>23 to fire safety, but with the expectation</p> <p>24 that it would always transition and should</p> <p>25 be managed by the fire safety group.</p>	<p style="text-align: right;">Page 181</p> <p>1 M. ROCHE</p> <p>2 John Barton controls?</p> <p>3 A. Yes.</p> <p>4 Q. Can you narrow down that time</p> <p>5 frame? It seems to be significant.</p> <p>6 MR. CLARK: Objection to form.</p> <p>7 I think you've answered this three</p> <p>8 times now. If you can answer it</p> <p>9 again, go for it.</p> <p>10 MS. SELIGER: The answer keeps</p> <p>11 changing.</p> <p>12 MR. CLARK: It's not. It's been</p> <p>13 2017 to 2021 three times, but go</p> <p>14 ahead, Mike. Answer the question.</p> <p>15 MS. SELIGER: Well, here. Why</p> <p>16 don't I -- why don't I ask it again in</p> <p>17 -- in a more specific way? I think I</p> <p>18 did this once.</p> <p>19 Q. I'm only asking you who was</p> <p>20 managing the testing and maintenance of</p> <p>21 fire pumps in 2019? Not any time before</p> <p>22 it; just 2019?</p> <p>23 MR. CLARK: Objection to form.</p> <p>24 Asked and answered. You can answer</p> <p>25 again.</p>

<p style="text-align: right;">Page 182</p> <p>1 M. ROCHE</p> <p>2 A. I don't have any more</p> <p>3 information to add to my previous answer.</p> <p>4 Q. I don't think you ever said who</p> <p>5 was managing this program in 2019.</p> <p>6 MR. CLARK: He told you -- hang</p> <p>7 on, Mike. He told you that sometime</p> <p>8 between 2017 and 2021, he doesn't</p> <p>9 remember, it switched. There's no --</p> <p>10 I mean, we can keep asking the same</p> <p>11 question. His memory is not going to</p> <p>12 change in a four-minute period, so I</p> <p>13 suggest we move on. This --</p> <p>14 MS. SELIGER: Are you --</p> <p>15 MR. CLARK: -- is getting</p> <p>16 harassing already. No. I'm repeating</p> <p>17 his testimony that he's given you now</p> <p>18 four or five times.</p> <p>19 MS. SELIGER: Okay. It doesn't</p> <p>20 sound exactly like what Mr. Roche</p> <p>21 said, so I'll just confirm what I</p> <p>22 heard.</p> <p>23 Q. In 2019, Plant was testing --</p> <p>24 was managing the testing and maintenance</p> <p>25 of the fire pumps?</p>	<p style="text-align: right;">Page 184</p> <p>1 M. ROCHE</p> <p>2 A. I remember when I started here</p> <p>3 in 2013, it was being done by the Fire</p> <p>4 Safety group, and it's being done by the</p> <p>5 Fire Safety group at every other hospital</p> <p>6 that I now oversee.</p> <p>7 Q. That's interesting.</p> <p>8 MR. CLARK: Is that a question?</p> <p>9 MS. SELIGER: No. That's not a</p> <p>10 question.</p> <p>11 MR. CLARK: Okay. We don't need</p> <p>12 to address what's interesting then.</p> <p>13 Q. Who was managing the fire pump</p> <p>14 testing and maintenance in 2014, to the</p> <p>15 best of your recollection?</p> <p>16 A. Well, if we go down this path, I</p> <p>17 think I already said sometime between 2017</p> <p>18 and 2021, it transitioned. Prior to 2017,</p> <p>19 it was being managed by Fire Safety.</p> <p>20 Q. Okay. So sometime in the period</p> <p>21 between 2017 and 2021, you believe that</p> <p>22 the management of that program moved from</p> <p>23 Fire Safety to Plant and you cannot</p> <p>24 pinpoint which year; is that correct?</p> <p>25 MR. CLARK: Objection to form.</p>
<p style="text-align: right;">Page 183</p> <p>1 M. ROCHE</p> <p>2 MR. CLARK: Objection to form.</p> <p>3 You can answer.</p> <p>4 A. Was that a question or was that</p> <p>5 a statement?</p> <p>6 Q. I'm asking if that is an</p> <p>7 accurate understanding of what you said?</p> <p>8 A. So, again, I don't know the</p> <p>9 specific date. I think I said that a</p> <p>10 number of times, but I would not be</p> <p>11 surprised if that is the case.</p> <p>12 Q. Are you involved at all in the</p> <p>13 testing and maintenance of the fire pumps?</p> <p>14 A. Not directly, but it does fall</p> <p>15 under my purview.</p> <p>16 Q. So don't you know who's managing</p> <p>17 that program at any given time?</p> <p>18 MR. CLARK: Objection to form.</p> <p>19 A. My priority is that the testing</p> <p>20 gets completed, and if there are issues,</p> <p>21 they're addressed. My priority is not to</p> <p>22 remember who does what testing when.</p> <p>23 Q. But you remember who was doing</p> <p>24 it in 2013; is that correct?</p> <p>25 MR. CLARK: Objection to form.</p>	<p style="text-align: right;">Page 185</p> <p>1 M. ROCHE</p> <p>2 This is time six. Go ahead.</p> <p>3 A. I don't have the exact date that</p> <p>4 that transition occurred. That's correct.</p> <p>5 Q. And as recently as 2019, you</p> <p>6 don't know the individual who was managing</p> <p>7 that program?</p> <p>8 MR. CLARK: Objection to form.</p> <p>9 Asked and answered.</p> <p>10 A. Yeah. I have answered that. I</p> <p>11 have nothing else to add.</p> <p>12 Q. Do you remember who was the</p> <p>13 assistant director of fire safety in 2019?</p> <p>14 A. Yes.</p> <p>15 Q. Who was that?</p> <p>16 A. Matt Bond.</p> <p>17 Q. And who else was in the Fire</p> <p>18 Safety Department at that time?</p> <p>19 A. I'd have to look back on the T</p> <p>20 of O, but I believe it was Joe Jurain.</p> <p>21 Q. So if Fire Safety was managing</p> <p>22 the fire pump maintenance and testing,</p> <p>23 would it have been one of those two</p> <p>24 people?</p> <p>25 MR. CLARK: Objection to form.</p>

<p style="text-align: right;">Page 186</p> <p>1 M. ROCHE</p> <p>2 A. If Fire Safety had been managing</p> <p>3 it at that time, yes, it would have been</p> <p>4 one of the two people in the Fire Safety</p> <p>5 Department.</p> <p>6 Q. And if it was already a Plant</p> <p>7 responsibility, who would have been</p> <p>8 managing that?</p> <p>9 MR. CLARK: Objection to form.</p> <p>10 A. If it had been moved to Plant,</p> <p>11 it would have been under John Barton or</p> <p>12 his designee.</p> <p>13 Q. Okay. Did you allege that that</p> <p>14 responsibility was definitively Joe</p> <p>15 Pasquarello's and it was taken from him</p> <p>16 because of his bad management?</p> <p>17 MR. CLARK: Objection to form.</p> <p>18 A. I don't recall having that</p> <p>19 statement -- saying that statement. I do</p> <p>20 recall having discussions of who should be</p> <p>21 managing the fire pump program, and I did</p> <p>22 make clear that everywhere else and in my</p> <p>23 mind, that should be a role of Fire</p> <p>24 Safety.</p> <p>25 Q. You remember having those</p>	<p style="text-align: right;">Page 188</p> <p>1 M. ROCHE</p> <p>2 MS. SELIGER: Or, actually, can</p> <p>3 you read Mr. Roche's previous answer</p> <p>4 and then the question that followed?</p> <p>5 THE COURT REPORTER: Yes. One</p> <p>6 moment, please.</p> <p>7 (Requested testimony was read.)</p> <p>8 MS. SELIGER: Okay. Thank you.</p> <p>9 Q. When did you have a conversation</p> <p>10 with Joe Pasquarello that you wanted him</p> <p>11 to take over the responsibility for</p> <p>12 managing the maintenance and testing of</p> <p>13 the fire pumps?</p> <p>14 A. I can't pinpoint the specific</p> <p>15 date. I know that it occurred multiple</p> <p>16 times. I know that it occurred probably</p> <p>17 related to the upcoming annual testing,</p> <p>18 but off the top of my head, I don't know</p> <p>19 when that is.</p> <p>20 Q. Which annual testing are you</p> <p>21 talking about?</p> <p>22 A. The fire pump annual testing.</p> <p>23 Q. What month does that happen in?</p> <p>24 A. I don't know off the top of my</p> <p>25 head.</p>
<p style="text-align: right;">Page 187</p> <p>1 M. ROCHE</p> <p>2 conversations with who?</p> <p>3 A. I remember having that</p> <p>4 conversation with Joe Pasquarello. I also</p> <p>5 remember having that conversation with</p> <p>6 John Barton and that was John Barton's</p> <p>7 feeling as well.</p> <p>8 Q. So approximately when did you</p> <p>9 have that conversation?</p> <p>10 A. Sometime between 2017 and 2021.</p> <p>11 Q. You -- I'm sorry. I'm -- I'm</p> <p>12 asking you -- you had a conversation with</p> <p>13 John Barton about the need for that</p> <p>14 responsibility to be with Joe Pasquarello</p> <p>15 in 2017?</p> <p>16 MR. CLARK: Objection to form.</p> <p>17 Q. Can you clarify your answer?</p> <p>18 A. Say that again?</p> <p>19 Q. Can you clarify your answer?</p> <p>20 MR. CLARK: What -- what answer</p> <p>21 are we clarifying?</p> <p>22 MS. SELIGER: Melissa, do you</p> <p>23 mind reading back the question?</p> <p>24 THE COURT REPORTER: One moment,</p> <p>25 please.</p>	<p style="text-align: right;">Page 189</p> <p>1 M. ROCHE</p> <p>2 Q. So how long before that testing</p> <p>3 do you think you spoke to Joe Pasquarello</p> <p>4 about taking over that responsibility?</p> <p>5 A. I would say within two months</p> <p>6 before. As soon as we realized it was</p> <p>7 upcoming when we started to plan for that</p> <p>8 event.</p> <p>9 Q. And you told him -- what did you</p> <p>10 tell him?</p> <p>11 A. I don't remember specifics of</p> <p>12 the conversation. I don't remember the</p> <p>13 date. I remember making clear my feelings</p> <p>14 that that task should fall under the</p> <p>15 purview of Fire Safety.</p> <p>16 Q. Do you remember which year it</p> <p>17 was?</p> <p>18 A. No.</p> <p>19 Q. Do you think it was within the</p> <p>20 first two months of his employment?</p> <p>21 A. I don't know.</p> <p>22 Q. Did it ever become his</p> <p>23 responsibility to manage the testing of</p> <p>24 the fire pumps?</p> <p>25 A. I don't recall when it</p>

<p style="text-align: right;">Page 190</p> <p>1 M. ROCHE</p> <p>2 transitioned back to Fire Safety. I can</p> <p>3 tell you that it is currently with Fire</p> <p>4 Safety.</p> <p>5 Q. So you can't remember if it ever</p> <p>6 was Joe Pasquarello's responsibility to</p> <p>7 manage --</p> <p>8 MR. CLARK: Objection to form.</p> <p>9 Q. To manage the testing and</p> <p>10 maintenance of the fire pumps; is that</p> <p>11 correct?</p> <p>12 MR. CLARK: Sorry. I jumped the</p> <p>13 gun. Objection to form.</p> <p>14 A. Well, it was always Joe</p> <p>15 Pasquarello's responsibility. It's a life</p> <p>16 safety device. It's a fire suppression</p> <p>17 system. It falls with -- under the job</p> <p>18 description of a Fire Safety manager,</p> <p>19 assistant director, director. Who --</p> <p>20 whatever level, it falls squarely within</p> <p>21 the Fire Safety Department.</p> <p>22 Q. Do the fire pumps also involve</p> <p>23 water?</p> <p>24 A. Yes.</p> <p>25 Q. What departments deal with the</p>	<p style="text-align: right;">Page 192</p> <p>1 M. ROCHE</p> <p>2 by a vendor.</p> <p>3 Q. Okay. And which -- what type of</p> <p>4 technician works on the pumps? Is it an</p> <p>5 electrician, a plumber?</p> <p>6 A. It's a fire suppression</p> <p>7 technician working under a Master Fire</p> <p>8 Suppression License.</p> <p>9 Q. What is a fire suppression</p> <p>10 technician? Is that --</p> <p>11 A. It's a -- so there -- the City</p> <p>12 of New York recognizes two different types</p> <p>13 of licenses that are allowed to work on</p> <p>14 fire pumps. One is a master plumber and</p> <p>15 one is a Master Fire Suppression License</p> <p>16 holder.</p> <p>17 Q. So if you had an in-house</p> <p>18 technician doing it, who would that</p> <p>19 technician be reporting to?</p> <p>20 MR. CLARK: Objection to form.</p> <p>21 You can answer.</p> <p>22 A. Doing what?</p> <p>23 Q. Your in-house technicians who</p> <p>24 are fire suppression people, who do they</p> <p>25 report to?</p>
<p style="text-align: right;">Page 191</p> <p>1 M. ROCHE</p> <p>2 water aspect of the fire pumps?</p> <p>3 A. Of the fire pumps? Fire Safety.</p> <p>4 Q. Who works on those fire pumps?</p> <p>5 Who does the actual work?</p> <p>6 A. Our fire suppression company.</p> <p>7 Q. What company is that?</p> <p>8 A. Lund.</p> <p>9 THE COURT REPORTER: Can you</p> <p>10 repeat that, sir? I'm sorry.</p> <p>11 THE WITNESS: Yes. Lund,</p> <p>12 L-U-N-D.</p> <p>13 THE COURT REPORTER: Thank you.</p> <p>14 A. And they have a contract with us</p> <p>15 under PyroSignal. They're a subcontractor</p> <p>16 of PyroSignal.</p> <p>17 Q. Okay.</p> <p>18 MS. SELIGER: Sorry. Melissa,</p> <p>19 can you read me back my last question?</p> <p>20 (Requested testimony was read.)</p> <p>21 Q. Do you ever have in-house</p> <p>22 technicians working on the fire pumps?</p> <p>23 A. In-house technicians will</p> <p>24 perform the testing of them sometimes,</p> <p>25 although the annual testing is performed</p>	<p style="text-align: right;">Page 193</p> <p>1 M. ROCHE</p> <p>2 A. I don't have any in-house fire</p> <p>3 suppression techs.</p> <p>4 Q. So who are the in-house people</p> <p>5 that do the actual work when it is given</p> <p>6 to in-house people?</p> <p>7 A. It depends on the type of work</p> <p>8 being done.</p> <p>9 Q. Okay. Can you give me an</p> <p>10 example of a particular person? Not their</p> <p>11 name, but their title, who would do that</p> <p>12 work?</p> <p>13 MR. CLARK: Objection to form.</p> <p>14 A. If it's an electrical issue, it</p> <p>15 would be an electrician.</p> <p>16 Q. And if it was a different issue?</p> <p>17 MR. CLARK: Objection to form.</p> <p>18 A. What sort of issue?</p> <p>19 Q. Okay. So if it was an</p> <p>20 electrical issue, would the electrician --</p> <p>21 who would the electrician -- who does the</p> <p>22 electrician report to?</p> <p>23 A. Our electrical manager.</p> <p>24 Q. Who's that?</p> <p>25 A. Steve Ferland.</p>

<p style="text-align: right;">Page 194</p> <p>1 M. ROCHE</p> <p>2 Q. And if there's a plumbing issue</p> <p>3 with the fire pumps, what kind of</p> <p>4 technician would be sent to --</p> <p>5 A. If it's a plumbing issue, a</p> <p>6 plumber would be sent.</p> <p>7 Q. And who would that plumber</p> <p>8 report to?</p> <p>9 A. The plumber would report to the</p> <p>10 plumbing manager.</p> <p>11 Q. And who is that?</p> <p>12 A. That's Joe Ecklof.</p> <p>13 Q. And who does he report to?</p> <p>14 A. He reports to Ron Cordier.</p> <p>15 Q. I'd like to go to Exhibit 16.</p> <p>16 MS. SELIGER: I'm marking this</p> <p>17 Exhibit 16. It is Bates stamped D670</p> <p>18 to D678.</p> <p>19 [The document was hereby marked</p> <p>20 as Plaintiff's Exhibit 16 for</p> <p>21 identification, as of this date.]</p> <p>22 Q. Yeah. Let me know when you have</p> <p>23 it in front of you.</p> <p>24 A. I'm looking at it now.</p> <p>25 Q. Does this look like a letter</p>	<p style="text-align: right;">Page 196</p> <p>1 M. ROCHE</p> <p>2 Do you see that?</p> <p>3 A. I do, yes.</p> <p>4 Q. Is this sentence referring to</p> <p>5 in-house plumbers?</p> <p>6 A. Yes.</p> <p>7 Q. Sorry. I'm going to just back</p> <p>8 up. I want to -- above the greeting, do</p> <p>9 you see where it says, "Reference: Recent</p> <p>10 Testing Issues"?</p> <p>11 A. Yes.</p> <p>12 Q. And then in the first sentence,</p> <p>13 it refers to, "Hydrostatic testing of the</p> <p>14 combination sprinkler systems." Do you</p> <p>15 see that?</p> <p>16 A. Yes.</p> <p>17 Q. Is this letter related to fire</p> <p>18 pump testing?</p> <p>19 A. It's related, yes. It is not</p> <p>20 the same, but it is related.</p> <p>21 Q. On the second page, let's look</p> <p>22 at -- you see Paragraph 3D? It starts:</p> <p>23 "It was determined that we would</p> <p>24 not be testing on Monday and the day would</p> <p>25 be spent by the plumbers who would do a</p>
<p style="text-align: right;">Page 195</p> <p>1 M. ROCHE</p> <p>2 from the vendor you recently mentioned</p> <p>3 called PyroSignal?</p> <p>4 A. Yes, it does.</p> <p>5 Q. And do you see notes in the</p> <p>6 margins?</p> <p>7 A. Yes, I do.</p> <p>8 Q. Are those notes in your</p> <p>9 handwriting?</p> <p>10 A. Yes.</p> <p>11 Q. Do you see halfway through the</p> <p>12 first paragraph, part of the sentence is</p> <p>13 highlighted; that the beginning of the</p> <p>14 sentence begins, "I trust that you will</p> <p>15 recall"? Do you see that sentence?</p> <p>16 A. Yeah. You said halfway through</p> <p>17 the first paragraph?</p> <p>18 Q. Yeah. On the left. It's right</p> <p>19 near the handwritten notes. The sentence</p> <p>20 reads:</p> <p>21 "I trust that you will recall</p> <p>22 that these tests were scheduled for the</p> <p>23 3rd of September, but were cancelled due</p> <p>24 to the plumber's inability to supply</p> <p>25 personnel."</p>	<p style="text-align: right;">Page 197</p> <p>1 M. ROCHE</p> <p>2 test drain down of all the remaining</p> <p>3 systems. We rescheduled the balance of</p> <p>4 our men for Monday and left two on site to</p> <p>5 work with the plumbers."</p> <p>6 Is that, again, referring to</p> <p>7 Crothall's in-house plumbers?</p> <p>8 A. Crothall does not have any</p> <p>9 in-house plumbers. You might be referring</p> <p>10 to Mount Sinai staff. We do have Mount</p> <p>11 Sinai plumbers, and this is a reference to</p> <p>12 what he's talking about where it says they</p> <p>13 "left two," I assume talking about</p> <p>14 technicians, but the technicians they're</p> <p>15 talking about are Lund employees. Those</p> <p>16 are the people that -- directing the work</p> <p>17 or advising our plumbers on what valve to</p> <p>18 shut and where.</p> <p>19 Q. Okay. And who manages the Mount</p> <p>20 Sinai plumbers? Do they report to</p> <p>21 Crothall employees?</p> <p>22 MR. CLARK: Objection to form.</p> <p>23 A. So the plumbers are managed by</p> <p>24 the plumbing manager, whose name is Joe</p> <p>25 Ecklof, who is a Crothall employee, yes.</p>

50 (Pages 194 - 197)

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1 M. ROCHE
2 Q. If you look on the next page,
3 Paragraph 4. This is the page Bates
4 stamped 672. It says -- do you see where
5 it says, "We arrived on site"?
6 A. Yes.
7 Q. So it says:
8 "We arrived on site with two
9 (three) men to work with the plumbing
10 department to implement the drain downs to
11 confirm the drain down capability of each
12 of the systems. Mount Sinai plumbing
13 department for some reason was unprepared
14 to perform these drain downs."
15 Do you know if anyone was
16 disciplined regarding that failure to be
17 prepared for the drain downs?
18 A. Failure to be prepared for the
19 drain downs was a failure on the part of
20 Joe Pasquarello, based on what I
21 recollect.
22 Q. Is -- why is that? Does he
23 manage the plumbers?
24 MR. CLARK: Objection to form.
25 You can answer both questions.

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1 M. ROCHE
2 A. Sure. So your question is does
3 Joe Pasquarello manage the plumbers?
4 Q. Yes.
5 A. This is the third time now that
6 I'm informing you that Joe Ecklof manages
7 the plumbers. Joe Pasquarello is
8 responsible for the scheduling of these
9 tests, and he did not inform, at this
10 point, the -- any of the internal plumbers
11 that the testing was going to occur.
12 Q. Why didn't the plumbers'
13 supervisor inform them?
14 A. Because Lund and PyroSignal do
15 not work for the plumbing supervisor.
16 They work for Joe Pasquarello.
17 Q. So is it your belief that they
18 were unprepared because Joe didn't -- is
19 it your belief the plumbers were
20 unprepared because Joe Pasquarello didn't
21 tell them to be prepared?
22 A. My belief is that Joe
23 Pasquarello did not understand the scope
24 of the testing that he had approved to
25 happen and he did not communicate with any

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1 M. ROCHE
2 necessary parties in order to conduct that
3 testing.
4 Q. Do -- does the plumbing
5 supervisor or manager -- I keep forgetting
6 his name. What was his name?
7 A. His name was Joe -- his name was
8 Joe Ecklof.
9 Q. Does Joe Ecklof communicate at
10 all with PyroSignal or Lund?
11 A. No.
12 Q. Is Joe Ecklof notified if
13 PyroSignal or Lund are working on the fire
14 pumps?
15 A. If Joe Pasquarello notifies him.
16 Q. Is that his only way of finding
17 out about work being done?
18 A. So Lund and PyroSignal do not
19 just show up when they feel like it. They
20 show up when they're told to come or told
21 to be there by a certain date by Joe
22 Pasquarello or somebody in Fire Safety.
23 Q. Okay.
24 A. So it's also that manager's
25 responsibility to notify any parties that

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1 M. ROCHE
2 they need assistance on specifically what
3 the scope is, specifically what they need
4 assistance on, when it will occur, and
5 confirm that there's manpower associated
6 with that in order to complete the task.
7 Q. On the next page or it's page
8 four, it's Bates stamped 673. At the
9 beginning of Paragraph 5, do you see that
10 -- do you see where it says, "We arrived
11 on site and met with Mr. Matthew Bond"?
12 A. Yes.
13 Q. And then in the next numbered
14 paragraph, do you see where it says, "We
15 arrived on site and met with Mr. Bond,"
16 again?
17 A. Yes.
18 Q. Was Mr. Bond managing the
19 particular project that this letter is
20 addressing?
21 A. This letter is addressed to Joe
22 Pasquarello. I don't recall at that -- on
23 that date who reported to who, but
24 ultimately, the responsibility is Joe
25 Pasquarello. If he directs one of his

<p style="text-align: right;">Page 202</p> <p>1 M. ROCHE</p> <p>2 employees to assist, that's certainly</p> <p>3 allowable, but it is his role to ensure</p> <p>4 that it gets completed appropriately.</p> <p>5 Q. Does it look like -- so are you</p> <p>6 saying this project was managed by Joe</p> <p>7 Pasquarello at the time?</p> <p>8 MR. CLARK: Objection to form.</p> <p>9 A. I'm saying the letter's directed</p> <p>10 to Joe Pasquarello, so in my mind, that's</p> <p>11 a clear fact that -- that clearly shows</p> <p>12 that he was in charge of that project.</p> <p>13 Q. Are you --</p> <p>14 A. He might have had assistance</p> <p>15 from other managers. Joe Ecklof was</p> <p>16 probably one of them. Matt Bond was</p> <p>17 probably one of them. Anybody else listed</p> <p>18 in this document was probably one of them,</p> <p>19 but the letter was written to Joe</p> <p>20 Pasquarello.</p> <p>21 Q. I understand it was written to</p> <p>22 Joe Pasquarello, but are you inferring</p> <p>23 that he was managing this project just by</p> <p>24 the reading?</p> <p>25 MR. CLARK: Objection to form.</p>	<p style="text-align: right;">Page 204</p> <p>1 M. ROCHE</p> <p>2 it was a long time ago. I don't know to</p> <p>3 what level of involvement I had in it, but</p> <p>4 I do, as I read this, I do recall the work</p> <p>5 and I do recall it occurring. I was</p> <p>6 certainly not in a role that was directing</p> <p>7 the work, but I was advised of it at the</p> <p>8 time and supplying my feedback as</p> <p>9 necessary.</p> <p>10 Q. How often do you think you</p> <p>11 supplied feedback about this project?</p> <p>12 A. I don't understand. At what</p> <p>13 point?</p> <p>14 Q. How -- was this a long-term</p> <p>15 project or was it -- I'll leave it at</p> <p>16 that. Was it a long-term project?</p> <p>17 A. It looks like, based on what I'm</p> <p>18 reading, it was multiple days.</p> <p>19 Q. So how many times do you</p> <p>20 remember being consulted about it or</p> <p>21 informed about it during these days?</p> <p>22 A. Certainly multiple times.</p> <p>23 Probably at least once a day.</p> <p>24 Q. So you must have known who was</p> <p>25 managing it then; is that not correct?</p>
<p style="text-align: right;">Page 203</p> <p>1 M. ROCHE</p> <p>2 A. Well, I guess what I'm stating</p> <p>3 is that Joe Pasquarello at that point was</p> <p>4 the highest ranking manager within Fire</p> <p>5 Safety. He was the person who -- whose</p> <p>6 responsibility it was to manage these</p> <p>7 vendors, Lund and PyroSignal, and he's the</p> <p>8 person who should be aware of whatever</p> <p>9 activities his contractors are conducting</p> <p>10 on these days.</p> <p>11 Q. Does it look like Mr. Bond was</p> <p>12 the person who PyroSignal was working with</p> <p>13 on this project?</p> <p>14 MR. CLARK: Objection to form.</p> <p>15 A. It looks like he was involved.</p> <p>16 Q. Were you involved in this</p> <p>17 project?</p> <p>18 A. I was aware of it.</p> <p>19 Q. Did you direct any part of the</p> <p>20 project?</p> <p>21 A. I don't recall.</p> <p>22 Q. Were you simply aware of it or</p> <p>23 were you monitoring it?</p> <p>24 MR. CLARK: Objection to form.</p> <p>25 A. I'm not quite sure. It was --</p>	<p style="text-align: right;">Page 205</p> <p>1 M. ROCHE</p> <p>2 MR. CLARK: Objection. You can</p> <p>3 answer.</p> <p>4 A. Fire Safety was managing it, and</p> <p>5 the highest ranking person in Fire Safety</p> <p>6 is Joe Pasquarello.</p> <p>7 Q. Right. So I know that Fire</p> <p>8 Safety as a department was managing it and</p> <p>9 I know what Joe's title was, but who was</p> <p>10 actually doing the work of managing this</p> <p>11 project?</p> <p>12 MR. CLARK: Objection to form.</p> <p>13 A. I think you asked me that</p> <p>14 already and I'm not sure what else I can</p> <p>15 tell you. I -- the -- the fact is, I</p> <p>16 don't recall specifically who it was. I</p> <p>17 know that Matt was involved. I know that</p> <p>18 Joe Ecklof was involved. I know that Joe</p> <p>19 Pasquarello was involved.</p> <p>20 Q. Can you scroll down to the page</p> <p>21 stamped 676? It's page seven of this</p> <p>22 exhibit. At the top of the page, do you</p> <p>23 see the paragraph that starts with the</p> <p>24 number 12?</p> <p>25 A. Yes.</p>

<p style="text-align: right;">Page 206</p> <p>1 M. ROCHE</p> <p>2 Q. It says:</p> <p>3 "Tuesday, November 6th, 2020.</p> <p>4 Received an e-mail from Mr. Mike Roche to</p> <p>5 attempt to facilitate the repairs prior to</p> <p>6 the rescheduled NYFD testing."</p> <p>7 Do you see that?</p> <p>8 A. Yes.</p> <p>9 Q. Do you recall giving that</p> <p>10 instruction?</p> <p>11 MR. CLARK: Objection to form.</p> <p>12 A. I don't recall the specific</p> <p>13 e-mail. I'm not surprised to see that. I</p> <p>14 think it's always my intention to expedite</p> <p>15 any repairs and testing as best as</p> <p>16 possible.</p> <p>17 Q. So you got involved -- strike</p> <p>18 that.</p> <p>19 How did you know that the</p> <p>20 testing was -- how did you know that the</p> <p>21 NYFD testing was coming?</p> <p>22 A. Because I review the regulatory</p> <p>23 documentation.</p> <p>24 Q. And why did you decide to change</p> <p>25 the date for the -- for the vendor to</p>	<p style="text-align: right;">Page 208</p> <p>1 M. ROCHE</p> <p>2 counseled, it would have been done so by</p> <p>3 Joe Pasquarello. I don't believe he was.</p> <p>4 Q. Do you think he should have</p> <p>5 been?</p> <p>6 A. This states one side of the</p> <p>7 story. I don't know if that e-mail was</p> <p>8 sent. Based on what they're saying, I</p> <p>9 don't know what time that e-mail was sent.</p> <p>10 There's a lot of factors in here that I</p> <p>11 don't have enough context to make a</p> <p>12 judgment on.</p> <p>13 Q. Were you alerted about the visit</p> <p>14 from PyroSignal that was scheduled for</p> <p>15 that day?</p> <p>16 A. I don't recall. It's possible</p> <p>17 that I was.</p> <p>18 Q. Is it likely that you were?</p> <p>19 MR. CLARK: Objection to form.</p> <p>20 A. I wouldn't say it's likely. It</p> <p>21 is clear that I had reached out -- prior.</p> <p>22 THE COURT REPORTER: I'm sorry,</p> <p>23 sir. You said, "It is clear that I</p> <p>24 had reached out"?</p> <p>25 A. It's clear from this letter that</p>
<p style="text-align: right;">Page 207</p> <p>1 M. ROCHE</p> <p>2 come?</p> <p>3 MR. CLARK: Objection to form.</p> <p>4 A. I wanted the repair and testing</p> <p>5 to occur quicker, as quickly as possible.</p> <p>6 Sometimes it requires somebody at my level</p> <p>7 to get involved and send an e-mail</p> <p>8 requesting that.</p> <p>9 Q. Do you see the next paragraph</p> <p>10 with the number 13? It says:</p> <p>11 "Thursday November 8th, 2020.</p> <p>12 Arrived on site with three men to shut</p> <p>13 down the new expanded valve schedule</p> <p>14 previously provided. We were advised by</p> <p>15 Mr. Matthew Bond that he was unaware of</p> <p>16 the scheduled date, despite e-mail</p> <p>17 notifications on the previous date."</p> <p>18 Do you see that?</p> <p>19 A. I do see that line, yes.</p> <p>20 Q. Was Matt Bond reprimanded for</p> <p>21 not being aware of the work or not being</p> <p>22 aware of the scheduled visit from</p> <p>23 PyroSignal?</p> <p>24 A. Matt Bond reported to Joe</p> <p>25 Pasquarello. If he was going to be</p>	<p style="text-align: right;">Page 209</p> <p>1 M. ROCHE</p> <p>2 I had reached out two days prior on</p> <p>3 November 6th, but I don't know if I</p> <p>4 received that e-mail. I get a lot of</p> <p>5 e-mails and it was two years ago.</p> <p>6 Q. You can take a minute to look</p> <p>7 through the remainder of the letter, but</p> <p>8 can you let me know if Joe Pasquarello is</p> <p>9 mentioned at any point in the letter?</p> <p>10 A. Yes, he is --</p> <p>11 MR. CLARK: You want him to just</p> <p>12 look at the -- sorry. Let me -- do</p> <p>13 you want him to just look at the</p> <p>14 remainder of the letter or the entire</p> <p>15 nine-page, single-spaced letter?</p> <p>16 MS. SELIGER: All right. I'm</p> <p>17 going to strike that question.</p> <p>18 Q. Do you know why the vendor</p> <p>19 drafted this letter?</p> <p>20 MR. CLARK: Objection to form.</p> <p>21 You can answer.</p> <p>22 A. I do not.</p> <p>23 Q. All right. I am done with that</p> <p>24 exhibit. Can you tell me when you first</p> <p>25 decided that you wanted to hire a Fire</p>

<p style="text-align: right;">Page 210</p> <p>1 M. ROCHE</p> <p>2 Safety director for Mount Sinai Hospital?</p> <p>3 A. No. I don't have the exact</p> <p>4 date. I know that I started initially</p> <p>5 having issues with Joe Pasquarello's</p> <p>6 performance back in December of 2020 to</p> <p>7 the point where I had considered giving</p> <p>8 him a counseling at that point and</p> <p>9 previously back in about October,</p> <p>10 September/October time frame which is when</p> <p>11 his annual evaluation was done.</p> <p>12 So from then on, I had concerns</p> <p>13 about his abilities. I had concerns about</p> <p>14 him not being able to function at the</p> <p>15 level that his title reflected. So it was</p> <p>16 always in the back of my mind. That's the</p> <p>17 best answer I can give you for that.</p> <p>18 Q. So had you been considering</p> <p>19 replacing him for a long time?</p> <p>20 MR. CLARK: Objection to form.</p> <p>21 A. I never considered replacing</p> <p>22 him. What I had considered was moving</p> <p>23 somebody in there that could provide the</p> <p>24 direction that he clearly needed and could</p> <p>25 dedicate more time to working with him.</p>	<p style="text-align: right;">Page 212</p> <p>1 M. ROCHE</p> <p>2 Pasquarello prior to May of 2021?</p> <p>3 A. I had drafted a counseling back</p> <p>4 in December of the previous year.</p> <p>5 Ultimately, we decided not to issue that</p> <p>6 counseling. By "we," I mean myself.</p> <p>7 I decided not to issue that</p> <p>8 counseling after a conversation that I had</p> <p>9 with Chris Hariegel and Bob Shaffer where</p> <p>10 they acknowledged that there were issues</p> <p>11 with his performance, but they also -- Bob</p> <p>12 specifically committed to working more</p> <p>13 closely and directly and spending at least</p> <p>14 one full day per week with him to review</p> <p>15 everything that was going on.</p> <p>16 So I told Bob that I was willing</p> <p>17 to give it a chance. Ultimately, that was</p> <p>18 not successful. Joe did not improve and</p> <p>19 we began a counseling.</p> <p>20 Q. Did you meet with Chris Hariegel</p> <p>21 and Bob Shaffer together or separately</p> <p>22 when you discussed Joe Pasquarello's</p> <p>23 performance?</p> <p>24 A. Together. For the --</p> <p>25 Q. Okay.</p>
<p style="text-align: right;">Page 211</p> <p>1 M. ROCHE</p> <p>2 Q. So when did you finally make the</p> <p>3 decision that you had to hire someone as</p> <p>4 the director?</p> <p>5 A. I would say probably in -- in</p> <p>6 May of 2021, it had gotten to the point</p> <p>7 where I didn't think the issues could be</p> <p>8 resolved by any other method than bringing</p> <p>9 in somebody who was more experienced in</p> <p>10 what we do in, specifically, Fire Safety.</p> <p>11 Q. And is Bernie Nuñez more</p> <p>12 experienced in Fire Safety than Joe</p> <p>13 Pasquarello?</p> <p>14 A. Yes.</p> <p>15 Q. In what way?</p> <p>16 A. He has far more health care</p> <p>17 experience. He's more familiar with the</p> <p>18 codes. He's more familiar with Joint</p> <p>19 Commission. He has successfully for</p> <p>20 multiple years done an excellent job at</p> <p>21 documentation. He's proven himself at</p> <p>22 multiple levels, continuously taking on</p> <p>23 more responsibility and he was a strong</p> <p>24 prospect.</p> <p>25 Q. Did you ever write up Joe</p>	<p style="text-align: right;">Page 213</p> <p>1 M. ROCHE</p> <p>2 A. -- the specific -- I'm sorry.</p> <p>3 But the specific meeting I'm -- I'm</p> <p>4 thinking of took place in Chris Hariegel's</p> <p>5 office with Bob Shaffer there. Obviously</p> <p>6 we had other conversations outside --</p> <p>7 independently outside of that specific</p> <p>8 conversation, so it was discussed in</p> <p>9 multiple times.</p> <p>10 Q. And do you remember</p> <p>11 approximately when that meeting was?</p> <p>12 A. Yes. It likely would have been</p> <p>13 in December. I have a draft counseling</p> <p>14 dated in December of 2020.</p> <p>15 MS. SELIGER: That draft</p> <p>16 counseling was not provided to us.</p> <p>17 I'm going to ask that it be produced.</p> <p>18 It was requested.</p> <p>19 Q. Did you ever file that</p> <p>20 counseling or did you decide not to?</p> <p>21 A. I didn't file it. I didn't send</p> <p>22 it to HR. I reviewed it with Bob Shaffer</p> <p>23 and Chris Hariegel.</p> <p>24 Q. And did Chris Hariegel also</p> <p>25 volunteer to provide support to Joe</p>

<p style="text-align: right;">Page 214</p> <p>1 M. ROCHE</p> <p>2 Pasquarello?</p> <p>3 A. No.</p> <p>4 Q. What did Bob Shaffer say he</p> <p>5 would do to support Joe Pasquarello?</p> <p>6 A. Met with him regularly. He</p> <p>7 coached him. He tried to give him</p> <p>8 direction and advice.</p> <p>9 Q. And did you say he did that on a</p> <p>10 weekly basis?</p> <p>11 A. Yes.</p> <p>12 Q. And how do you know that that</p> <p>13 happened on a weekly basis?</p> <p>14 A. Because I work at the same place</p> <p>15 that Joe works at and I saw Bob</p> <p>16 frequently. Bob committed to meeting with</p> <p>17 him weekly.</p> <p>18 Q. So you saw him meet with Joe on</p> <p>19 a weekly basis after that point, after</p> <p>20 sometime in December of 2020?</p> <p>21 A. Very frequently, yeah. I mean,</p> <p>22 I wasn't signing him in and out of the</p> <p>23 institution, but he was here far more than</p> <p>24 he was previously.</p> <p>25 Q. And when he was at your</p>	<p style="text-align: right;">Page 216</p> <p>1 M. ROCHE</p> <p>2 feel that it was getting to be repetitive,</p> <p>3 where he would ask for training on the</p> <p>4 same things he was already trained on.</p> <p>5 Towards the end, he basically</p> <p>6 said that, you know, he didn't think that</p> <p>7 he had what it would take to continue in</p> <p>8 this role or be successful in the role.</p> <p>9 Q. Was Bob's feedback ever</p> <p>10 documented by you or Bob?</p> <p>11 A. Not that I'm aware of, no. It</p> <p>12 all happened verbally.</p> <p>13 Q. Do you know if that feedback was</p> <p>14 ever provided to HR?</p> <p>15 A. It may have been provided. I</p> <p>16 know that I didn't provide it, but it</p> <p>17 likely would have been provided during the</p> <p>18 investigation of the case that he opened</p> <p>19 up with HR.</p> <p>20 Q. That Joe Pasquarello opened up?</p> <p>21 A. Yes.</p> <p>22 Q. But as far as you know or do you</p> <p>23 know if there are any written statements</p> <p>24 from Bob Shaffer about Joe Pasquarello?</p> <p>25 A. Specific to this occurrence?</p>
<p style="text-align: right;">Page 215</p> <p>1 M. ROCHE</p> <p>2 building, he was with Joe Pasquarello</p> <p>3 training him?</p> <p>4 A. Yes.</p> <p>5 Q. And did he report back to you</p> <p>6 about his interactions on a weekly basis?</p> <p>7 A. No.</p> <p>8 Q. Did he ever give you feedback</p> <p>9 about his meetings with Joe Pasquarello?</p> <p>10 A. Yes.</p> <p>11 Q. How often?</p> <p>12 A. Not that often. Probably</p> <p>13 monthly. Maybe less often than that.</p> <p>14 Q. So between December of 2020 and</p> <p>15 June of 2021, over those six months, how</p> <p>16 often do you recall getting feedback from</p> <p>17 Bob Shaffer about Joe Pasquarello's</p> <p>18 performance?</p> <p>19 A. It's tough to say. A handful of</p> <p>20 times.</p> <p>21 Q. And what was the feedback?</p> <p>22 A. Started out decent. He felt --</p> <p>23 Bob felt like they were making progress.</p> <p>24 Sometime over those six months, it -- it</p> <p>25 kind of stagnated a bit and Bob seemed to</p>	<p style="text-align: right;">Page 217</p> <p>1 M. ROCHE</p> <p>2 Q. As just related to Joe</p> <p>3 Pasquarello's performance?</p> <p>4 A. I don't know.</p> <p>5 Q. And when did you post the job</p> <p>6 for the Fire Safety director?</p> <p>7 A. Probably -- probably early --</p> <p>8 early June, give or take a month.</p> <p>9 Q. And how did you go about posting</p> <p>10 it?</p> <p>11 A. Well, the same way I go about</p> <p>12 posting every job where I reach out to --</p> <p>13 I think in this case, it was posted by</p> <p>14 Dorothy Perez. But usually, immediately</p> <p>15 after it's posted, a recruiter will get in</p> <p>16 touch with me and will be assigned to fill</p> <p>17 that role.</p> <p>18 Q. And so did you give Dorothy</p> <p>19 Perez information about the title and</p> <p>20 responsibilities that the role would</p> <p>21 encompass?</p> <p>22 A. So I told her that we were</p> <p>23 looking to hire a director of fire safety.</p> <p>24 She already had the job description for</p> <p>25 that role and level, which she included in</p>

<p style="text-align: right;">Page 218</p> <p>1 M. ROCHE</p> <p>2 the posting.</p> <p>3 Q. Did you tell anyone before you</p> <p>4 posted it?</p> <p>5 A. I told Joe.</p> <p>6 Q. When did you tell him?</p> <p>7 A. On -- it was one of our weekly</p> <p>8 meetings on May 25, 2001 -- I'm sorry --</p> <p>9 2021, where I had voiced that, you know,</p> <p>10 two previous issues that were not</p> <p>11 acceptable that were under his control</p> <p>12 which resulted in poor outcome, that he</p> <p>13 would be receiving a counseling report as</p> <p>14 a result of that.</p> <p>15 I believe that's the date where</p> <p>16 I also informed him that it was our</p> <p>17 intention to bring in somebody above him</p> <p>18 in order to provide assist -- assist --</p> <p>19 additional direction and help with</p> <p>20 prioritization.</p> <p>21 Q. So you told him you think in</p> <p>22 that May 25, 2021 meeting that you were</p> <p>23 going to be looking for a director; is</p> <p>24 that what you said?</p> <p>25 A. I believe so, yes.</p>	<p style="text-align: right;">Page 220</p> <p>1 M. ROCHE</p> <p>2 of that, but I think I did.</p> <p>3 Q. Is there any reason you would</p> <p>4 not have sent him the link to the job</p> <p>5 posting?</p> <p>6 MR. CLARK: Objection to form.</p> <p>7 A. Well, again, I don't think he</p> <p>8 would have been a good candidate. He was</p> <p>9 not performing adequately at a lower level</p> <p>10 and we don't generally promote people that</p> <p>11 have a history of poor performance.</p> <p>12 Q. What about Matt Bond?</p> <p>13 MR. CLARK: Objection to form.</p> <p>14 What -- what about him?</p> <p>15 Q. Would you say he has a history</p> <p>16 of poor performance?</p> <p>17 A. He did have a period of poor</p> <p>18 performance.</p> <p>19 MS. SELIGER: If, in fact, an</p> <p>20 e-mail was sent to Joe Pasquarello</p> <p>21 with a link to the job posting, I am</p> <p>22 calling for its production.</p> <p>23 Q. Was the position posted for</p> <p>24 external candidates or internal</p> <p>25 candidates?</p>
<p style="text-align: right;">Page 219</p> <p>1 M. ROCHE</p> <p>2 Q. And did you make it clear to him</p> <p>3 that he would not be eligible to apply for</p> <p>4 that role?</p> <p>5 A. Well, as -- as a company policy,</p> <p>6 he was not eligible to apply for that</p> <p>7 role. If you have a disciplinary -- must</p> <p>8 be -- I'm a little less certain about</p> <p>9 those dates right now. I may have the</p> <p>10 dates mixed up.</p> <p>11 Q. Are you certain that he was not</p> <p>12 eligible to apply for the position?</p> <p>13 A. I'm not certain that he wasn't</p> <p>14 eligible. I am certain that he did not</p> <p>15 apply, but that he was made aware of it</p> <p>16 and I don't think that he would have been</p> <p>17 considered due to ongoing poor</p> <p>18 performance.</p> <p>19 Q. But did you tell him he could</p> <p>20 apply?</p> <p>21 A. I believe I even sent him the</p> <p>22 link.</p> <p>23 Q. You think you e-mailed him a</p> <p>24 link to the job posting?</p> <p>25 A. I think I did. I'm not certain</p>	<p style="text-align: right;">Page 221</p> <p>1 M. ROCHE</p> <p>2 MR. CLARK: Objection to form.</p> <p>3 A. So it's always posted</p> <p>4 internally. Not every position is posted</p> <p>5 externally, so I do not know how it -- if</p> <p>6 it was posted both ways or only</p> <p>7 internally.</p> <p>8 Q. Whose decision is that?</p> <p>9 A. Sometimes we try to -- we post</p> <p>10 it internally to see if there's any</p> <p>11 interest before opening it up externally.</p> <p>12 There's no clear procedure that specifies</p> <p>13 whose decision it is. It could be the</p> <p>14 hiring manager, which is me. It could be</p> <p>15 the recruiter. In this case, I don't</p> <p>16 think I specified one way or the other, so</p> <p>17 it got posted however, you know, it</p> <p>18 defaulted to get posted.</p> <p>19 Q. Had you already had someone in</p> <p>20 mind for the position when you posted it?</p> <p>21 A. Not at that time, no.</p> <p>22 Q. If it was posted internally,</p> <p>23 would it show up as a notification to</p> <p>24 employees who opt for job posting</p> <p>25 notifications?</p>

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<p style="text-align: right;">Page 222</p> <p>1 M. ROCHE</p> <p>2 MR. CLARK: Objection to form.</p> <p>3 A. If it was posted internally, it</p> <p>4 would show up to anybody who looked at the</p> <p>5 online job postings as an employee.</p> <p>6 Q. How many applicants applied for</p> <p>7 that job?</p> <p>8 A. In this case, I believe it was</p> <p>9 only one. I'm not certain of that, but I</p> <p>10 don't think we had much interest.</p> <p>11 Q. Did Ron Kanterman apply for the</p> <p>12 job?</p> <p>13 A. Not to my knowledge. That would</p> <p>14 be a bit odd, though, for a supervisor to</p> <p>15 jump an assistant director and go right</p> <p>16 into a director role.</p> <p>17 Q. Did you interview Bernie for the</p> <p>18 job?</p> <p>19 A. I did, yes.</p> <p>20 Q. If there were other applicants,</p> <p>21 would the recruiter or Dorothy tell you</p> <p>22 that other applicants had come in?</p> <p>23 MR. CLARK: Objection to form.</p> <p>24 A. A recruiter -- that would be the</p> <p>25 responsibility of the recruiter. They</p>	<p style="text-align: right;">Page 224</p> <p>1 M. ROCHE</p> <p>2 I just called him and told him to come by</p> <p>3 on this date, so no, I don't know that</p> <p>4 there's any documentation.</p> <p>5 Q. And how soon after his interview</p> <p>6 did he get the job offer?</p> <p>7 A. I don't remember the exact</p> <p>8 circumstances around it and time frame. I</p> <p>9 would say it's -- it was less than a</p> <p>10 month.</p> <p>11 Q. Do you recall a day when Bernie</p> <p>12 Nuñez came to the building and introduced</p> <p>13 himself to Joe Pasquarello as the new</p> <p>14 director of fire safety?</p> <p>15 A. Not specifically, no.</p> <p>16 Q. Do you remember a day when</p> <p>17 Bernie Nuñez came to the building and</p> <p>18 introduced himself to the fire marshals as</p> <p>19 the new director of fire safety?</p> <p>20 A. No, not specifically. I assume</p> <p>21 that was the same day.</p> <p>22 Q. I'd like to look for a moment</p> <p>23 back at Exhibit 3. Let me know when you</p> <p>24 have it open.</p> <p>25 A. Okay. I have it.</p>
<p style="text-align: right;">Page 223</p> <p>1 M. ROCHE</p> <p>2 don't pass along every resume that's</p> <p>3 received. She does -- she does tend to do</p> <p>4 her own screening of it and only passes</p> <p>5 along what she deems to be qualified for</p> <p>6 the job based on the requirements of the</p> <p>7 job and their experience and the level of</p> <p>8 the job.</p> <p>9 Q. When did you interview Bernie</p> <p>10 Nuñez for the role?</p> <p>11 A. I don't know the exact date.</p> <p>12 While the job was posted.</p> <p>13 Q. Did anyone else interview him?</p> <p>14 A. I believe Bob Shaffer</p> <p>15 interviewed him as well.</p> <p>16 Q. Is there documentation from the</p> <p>17 interviews?</p> <p>18 A. No.</p> <p>19 Q. Scheduling or notes?</p> <p>20 A. Nothing that I'm aware of, no.</p> <p>21 Q. Do you think you had it in your</p> <p>22 calendar to interview Bernie Nuñez?</p> <p>23 A. I'm not certain I did. He's an</p> <p>24 internal, you know, he's familiar with the</p> <p>25 site. It could have been something where</p>	<p style="text-align: right;">Page 225</p> <p>1 M. ROCHE</p> <p>2 Q. So, again, this was the</p> <p>3 spreadsheet that we were looking at</p> <p>4 earlier with job openings and the names of</p> <p>5 people who left or filled those positions.</p> <p>6 Do you see Bernie Nuñez's name on there?</p> <p>7 A. Want to help me out a bit? I'm</p> <p>8 trying to find it, but.</p> <p>9 Q. Yeah. It looks like -- I see</p> <p>10 his name first show up I think it's line</p> <p>11 113. It's hard to see --</p> <p>12 MR. CLARK: Are these lines</p> <p>13 numbered? Mine aren't numbered. I'm</p> <p>14 not sure I can count 113.</p> <p>15 MS. SELIGER: Oh. Oh, sorry.</p> <p>16 Yeah. I'm looking at it in native</p> <p>17 format.</p> <p>18 Q. In this document, the names are</p> <p>19 organized by date. So if you look at --</p> <p>20 there's a date, March 23, 2021, under the</p> <p>21 column for Open Position Requisition Date?</p> <p>22 A. Yes, I see it. That's his</p> <p>23 first -- that's unrelated to Mount Sinai</p> <p>24 Hospital. That was when he was still at</p> <p>25 Beth Israel.</p>

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1 M. ROCHE
2 Q. And what was his position at
3 Beth Israel?
4 A. I believe he was a manager at
5 Beth Israel.
6 Q. Okay. And then the next time I
7 see his name -- oh, sorry. This is a
8 previous date. If you go up to the date
9 12/7/17?
10 A. Seventeen. Hold on. Yes. I
11 see a Bernie Nuñez.
12 Q. Is that also a Mount Sinai Beth
13 Israel position?
14 A. Yes.
15 Q. And can you tell what that line
16 is showing? Is he leaving a position or
17 filling a position?
18 A. It looks like he's filling a
19 position.
20 Q. And is that Fire Safety manager?
21 A. Yes.
22 Q. Okay. So that one predates the
23 one we looked at before. And those are
24 the only two places I see his name on this
25 document. I don't see a record of the

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1 M. ROCHE
2 opening for Fire Safety director or a
3 record of him fill the position.
4 MR. CLARK: Is that a question?
5 MS. SELIGER: No.
6 Q. Do you know why that is?
7 A. I do not.
8 Q. I just want to go to -- nope.
9 Changed my mind. I want to go to
10 Exhibit 4. Oh, I'm sorry. You can close
11 Exhibit 4. Sorry. It's Exhibit 12.
12 MS. SELIGER: If I haven't
13 already, I'm marking this as
14 Exhibit 12.
15 [The document was hereby marked
16 as Plaintiff's Exhibit 12 for
17 identification, as of this date.]
18 Q. And let me know when you have it
19 open.
20 A. Okay. So I have it open.
21 Q. Okay. I am going to ask you to
22 scroll down to page -- it's page eight of
23 this document. It's Bates stamped
24 D000520.
25 At the very bottom of the

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1 M. ROCHE
2 page -- well first, actually, before we do
3 that. Would you agree that this is some
4 sort of personnel record connected with
5 Bernie Nuñez?
6 MR. CLARK: Objection to form.
7 A. This looks like the same
8 document we were looking at earlier with
9 Matt Bond. It's not a document that I've
10 ever seen or am familiar with, but it
11 appears to be related to the application
12 and the information that they inputted in
13 their application.
14 Q. Okay. So at the very bottom of
15 page eight, highlighted in blue, it says:
16 "Please list any certifications
17 or licenses related to this position."
18 Do you see that?
19 A. I do.
20 Q. And if you scroll to the next
21 page, you see a list of certifications
22 with effective dates and expiration dates.
23 Do you see that?
24 A. (Inaudible.)
25 THE COURT REPORTER: Can you

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1 M. ROCHE
2 repeat that, sir?
3 A. I do.
4 Q. Do you see where it says in the
5 first certification listing, it's FDNY
6 Certificate of Fitness S-95?
7 A. Yes.
8 Q. Do you see where it says the
9 expiration date of January 4, 2022?
10 A. (Inaudible.)
11 THE COURT REPORTER: If you
12 could repeat that, sir.
13 A. Yes.
14 Q. Has Bernie renewed that
15 certification?
16 A. I would imagine so, but I don't
17 know for sure.
18 Q. Why don't you know?
19 A. Because I don't track the
20 licenses. That is done by Dorothy Perez.
21 Q. Is it a requirement for his job
22 to have this certification up to date?
23 A. I think it's listed in the job
24 description, but again, we had a lengthy
25 conversation about whether it's preferred

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1 M. ROCHE
2 or required, so --
3 Q. Is it required by you to have
4 this certification?
5 MR. CLARK: Sorry. Mike, were
6 you done with your last answer?
7 THE WITNESS: Yes. I'm sorry.
8 I was.
9 MR. CLARK: Then you can answer
10 the next question. Sorry for my
11 confusion.
12 MS. SELIGER: Sorry. I didn't
13 mean to interrupt.
14 Q. Do you require Bernie to
15 maintain this certification throughout his
16 employment?
17 A. I think it's important that all
18 managers have certifications that the
19 people they are supervising have.
20 Q. So I'm not sure that answered my
21 question. So then do you actually require
22 him to keep this current?
23 A. My expectation is that he does.
24 It's not a requirement.
25 Q. What about the next

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1 M. ROCHE
2 certification listed, the FDNY Certificate
3 of Fitness W-07? Do you see that?
4 A. I do.
5 Q. It looks like that one expired
6 on October 27, 2021. Has Bernie renewed
7 that certification?
8 A. I would have to reach out to
9 Bernie or Dorothy Perez. I'm not sure
10 that this information is current.
11 Q. Do you ask him to make sure that
12 his certifications stay current?
13 A. I have not asked him recently.
14 Q. Have you made it clear that
15 that's an expectation you have for the
16 job?
17 A. I made it clear that my
18 expectation is that he has all the
19 licenses that anybody under him has.
20 Q. Do you see the next
21 certification listed? It says the FDNY
22 Certificate of Fitness F-89?
23 A. Yes.
24 Q. Do you see that that one expired
25 October 4, 2021?

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1 M. ROCHE
2 A. Based on this document, yes. I
3 agree that's what it says.
4 Q. Do you know if Bernie has
5 requested to renew that certification
6 since October of 2021?
7 A. That I do know, yes. He has
8 requested an on site with the fire
9 department.
10 Q. And has he had that on site yet?
11 A. He's waiting for the scheduling,
12 but has not yet had the on site.
13 Q. Have you given him a time frame
14 within which he has to have that
15 completed?
16 A. I don't have the authority to
17 schedule the fire department, so I
18 don't -- it's not able to -- I'm not able
19 to select the date which the fire
20 department shows up for that test.
21 The request was in and, again,
22 we spoke earlier about Mr. Pasquarello
23 related to his on site and it would have
24 been sufficient had he requested that same
25 test.

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1 M. ROCHE
2 Q. And did you make that clear to
3 Mr. Pasquarello that all he had to do was
4 request the test?
5 A. We did have a conversation when
6 the PIP was given to him where he was
7 uncertain if he could obtain these because
8 of the fact that some of them were
9 dependent on fire department scheduling.
10 Pat Lizararo [sic], the HR
11 representative, was in the room while we
12 discussed that and I made clear to him
13 that all he needed to do was pass the
14 written and schedule the test, not
15 necessarily complete the test within that
16 time frame.
17 Q. All right. I'm done with that
18 exhibit. I'd like to open up Exhibit 13.
19 You can let me know, Mr. Roche, when you
20 have it open.
21 MS. SELIGER: I'm marking this
22 as Exhibit 13. It's a document Bates
23 stamped CH1517 to CH1520.
24 [The document was hereby marked
25 as Plaintiff's Exhibit 13 for

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1 M. ROCHE
2 identification, as of this date.]
3 A. I'm looking at it now.
4 Q. Can you tell me what this is?
5 A. This looks like a job
6 description for a Fire Safety assistant
7 director.
8 Q. And on the last page, there's an
9 associate name and signature. Who -- who
10 is that?
11 A. Joseph Pasquarello.
12 Q. Is this a job description that
13 he was asked to sign while working at
14 Crothall?
15 A. I'm sorry. Did you not hear me
16 again? I said yes.
17 Q. Okay. And did you have him sign
18 this document?
19 A. No.
20 Q. Who had him sign this document?
21 A. I believe Lizarazo.
22 Q. Is this an accurate description
23 of the responsibilities he had while
24 working as an assistant director of fire
25 safety?

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1 M. ROCHE
2 A. It's an accurate description of
3 all the items that he was supposed to
4 oversee, yes.
5 Q. I'm not sure if it's on this
6 list. It may be, but was Joe Pasquarello
7 required to attend meetings as part of his
8 assistant director responsibilities?
9 A. Yes.
10 Q. Which meetings did you expect
11 him to attend?
12 A. I expected him to attend any
13 meetings that he was invited to and had
14 any responsibility over any topics being
15 discussed.
16 Q. Was that expectation regardless
17 of the volume of meetings that he was
18 invited to?
19 A. That's a standard expectation
20 that I think anyone who has a job should
21 be held to. The -- are we -- are we
22 referring just in general or are we
23 referring to the improvement plan?
24 Q. I guess we can go to the
25 improvement plan. Was the issue of not

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1 M. ROCHE
2 attending meetings part of the improvement
3 plan that you issued him?
4 A. It was.
5 Q. And what exactly did you want
6 him to do differently as part of the
7 improvement plan?
8 A. Do you -- are you going to call
9 the improvement plan as an exhibit?
10 Because it would be easier to take a look
11 at that if you plan to do so.
12 Q. I don't know if I created an
13 exhibit for that. But I guess prior to
14 going -- I can. I can add one in one
15 second. But prior to going into the
16 improvement plan, do you know which
17 meetings Joe was invited to on a daily
18 basis?
19 MR. CLARK: Objection to form.
20 A. No. I did not manage Joe's
21 calendar.
22 Q. Do you know how many meeting
23 invitations he received per day?
24 A. I can confirm with certainty
25 that it's less than I receive.

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1 M. ROCHE
2 Q. Do you go to all meetings that
3 you're invited to?
4 A. The requirement for the
5 improvement plan was to either attend the
6 -- the meetings that he was invited to or
7 to advise the organizer that he would be
8 unable to attend.
9 Q. And how did you know he was not
10 attending meetings?
11 A. I received multiple complaints
12 from different people that there was no
13 Fire Safety representation at any number
14 of meetings.
15 Q. Do you know if those people
16 contacted Joe personally?
17 A. I think at least one of them
18 did.
19 Q. Did --
20 A. Scratch that. Two.
21 Q. Sorry.
22 A. At least two of them did.
23 Q. Who were those people?
24 A. One was Don Cardone, who is the
25 direct -- senior director of emergency

<p style="text-align: right;">Page 238</p> <p>1 M. ROCHE</p> <p>2 management and one was Ryan Nowicki.</p> <p>3 Q. And did they complain to him</p> <p>4 about not attending one meeting or were</p> <p>5 there more -- was there more than one</p> <p>6 meeting that they had wanted Joe to</p> <p>7 attend?</p> <p>8 A. More than one meeting for both</p> <p>9 cases.</p> <p>10 Q. Did Joe ever send one of his</p> <p>11 managers to attend meetings?</p> <p>12 A. I'm not sure if he did. That</p> <p>13 would have been totally appropriate for</p> <p>14 him to do as long as he confirmed with</p> <p>15 them that they would go. The specific</p> <p>16 examples that I'm referring to are</p> <p>17 examples where no -- no representation</p> <p>18 whatsoever from Fire Safety attended the</p> <p>19 meeting.</p> <p>20 Q. When did you first tell Joe that</p> <p>21 he needed to start attending all meetings?</p> <p>22 A. It would have been early 2020,</p> <p>23 if not even late 2019. It was an ongoing</p> <p>24 issue with him.</p> <p>25 Q. Was Joe responsible for the fire</p>	<p style="text-align: right;">Page 240</p> <p>1 M. ROCHE</p> <p>2 Q. Orienting them to the</p> <p>3 department?</p> <p>4 A. He was responsible for training</p> <p>5 them for any -- anything Fire Safety</p> <p>6 specific, but there is a separate</p> <p>7 onboarding process that gives them some</p> <p>8 exposure to the facility and the programs.</p> <p>9 Q. What is that onboarding process?</p> <p>10 Is that the Foundations program or</p> <p>11 something else?</p> <p>12 A. That's something else. So --</p> <p>13 MR. CLARK: Objection to form.</p> <p>14 A. There's a separate orientation</p> <p>15 that all new employees go through called</p> <p>16 New Beginnings. It's a Mount Sinai</p> <p>17 training that updates everybody on who to</p> <p>18 get in touch with for certain issues. It</p> <p>19 lays out Fire Safety security procedures.</p> <p>20 Just generally, not to the -- not to the</p> <p>21 level that a manager would, but just a</p> <p>22 general orientation to a new facility.</p> <p>23 Q. Was Joe Pasquarello responsible</p> <p>24 for reviewing and updating the Fire Safety</p> <p>25 policies and procedures?</p>
<p style="text-align: right;">Page 239</p> <p>1 M. ROCHE</p> <p>2 marshals in the Fire Safety Department?</p> <p>3 A. When?</p> <p>4 Q. Whenever he did not have a</p> <p>5 manager doing that?</p> <p>6 A. I don't understand. Can you</p> <p>7 specify when?</p> <p>8 Q. I think we discussed that at</p> <p>9 various times, there were managers in the</p> <p>10 Fire Safety Department who were</p> <p>11 responsible for the fire marshals and --</p> <p>12 and all the things connected with them.</p> <p>13 During the periods of time when there was</p> <p>14 not a manager in Fire Safety doing that,</p> <p>15 was Joe responsible for managing the fire</p> <p>16 marshals?</p> <p>17 A. So Joe was responsible for</p> <p>18 managing the Fire Safety Department, and</p> <p>19 in the absence of other managers, by</p> <p>20 default, he would be responsible for</p> <p>21 managing the fire marshals.</p> <p>22 Q. Was he responsible for training</p> <p>23 the new managers that joined his team,</p> <p>24 such as Ron Kanterman and Omelfi Garcia?</p> <p>25 A. Training them on what?</p>	<p style="text-align: right;">Page 241</p> <p>1 M. ROCHE</p> <p>2 A. Joe Pasquarello chose to do</p> <p>3 that. It was not a requirement. Just to</p> <p>4 elaborate on that, all the policies</p> <p>5 existed previously. We've been in, you</p> <p>6 know, we've been operating here for nine</p> <p>7 years, so anything new that Joe did was a</p> <p>8 revision or there were some new kind of,</p> <p>9 not policies legally, but procedures or</p> <p>10 methods of doing something that he did</p> <p>11 draft, but again, not -- it was generally</p> <p>12 not something that he had to do. More --</p> <p>13 more likely that he did it as a way to try</p> <p>14 and improve an issue.</p> <p>15 Q. Do policies or procedures get</p> <p>16 updated over time?</p> <p>17 MR. CLARK: Objection to form.</p> <p>18 A. So in our world, a policy is a</p> <p>19 very specific thing because a policy -- if</p> <p>20 you have something called a policy, it has</p> <p>21 to be presented to Joint Commission if</p> <p>22 requested. So the only policies we have</p> <p>23 are critical infrastructure policies,</p> <p>24 response type policies, things that Joe</p> <p>25 himself would not be responsible for.</p>

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<p style="text-align: right;">Page 242</p> <p>1 M. ROCHE</p> <p>2 What he'd be responsible for is</p> <p>3 what we would refer to as a procedure,</p> <p>4 which is generally a one-page document of,</p> <p>5 you know, how we want certain things to</p> <p>6 occur.</p> <p>7 Q. And did he update procedures for</p> <p>8 the Fire Safety Department?</p> <p>9 A. Yes.</p> <p>10 Q. Sorry. Did you say yes?</p> <p>11 A. I said yes.</p> <p>12 Q. Was Joe responsible for</p> <p>13 conducting Fire Safety training for Mount</p> <p>14 Sinai Hospital staff?</p> <p>15 A. Joe was responsible for ensuring</p> <p>16 that it got done. Most of the training</p> <p>17 was conducted by the fire marshals.</p> <p>18 Q. And did he train the fire</p> <p>19 marshals on how to conduct the training?</p> <p>20 A. Not generally. Ron Kanterman</p> <p>21 did. It's a -- these types of questions,</p> <p>22 you've got to be very specific with your</p> <p>23 time frame.</p> <p>24 Q. If he had no manager, was he</p> <p>25 doing that job?</p>	<p style="text-align: right;">Page 244</p> <p>1 M. ROCHE</p> <p>2 Q. Are you aware of whether or not</p> <p>3 Joe conducted construction risk</p> <p>4 assessments?</p> <p>5 A. He did.</p> <p>6 Q. Did Joe manage work orders that</p> <p>7 were assigned to Fire Safety?</p> <p>8 A. That was part of his</p> <p>9 responsibility.</p> <p>10 Q. Did he manage Fire Safety</p> <p>11 impairments?</p> <p>12 A. Yes. And I believe all these</p> <p>13 are covered in his job description.</p> <p>14 Q. Probably. When COVID-19 started</p> <p>15 and throughout the pandemic, was Joe</p> <p>16 Pasquarello responsible for addressing the</p> <p>17 Fire Safety issues that arose for the</p> <p>18 hospital as a result of the pandemic?</p> <p>19 A. Can you specify what Fire Safety</p> <p>20 issues you're referring to?</p> <p>21 Q. Well, did the circumstances of</p> <p>22 the hospital change during COVID-19?</p> <p>23 MR. CLARK: Objection to form.</p> <p>24 A. Well, clearly, they changed. Is</p> <p>25 your question did they change in a -- in</p>
<p style="text-align: right;">Page 243</p> <p>1 M. ROCHE</p> <p>2 A. -- onboarded any new fire</p> <p>3 marshals during the brief time where there</p> <p>4 was no manager.</p> <p>5 THE COURT REPORTER: I'm so</p> <p>6 sorry, sir. The beginning got cut</p> <p>7 off. If you could repeat that answer?</p> <p>8 A. Sure. I said that I don't</p> <p>9 believe we onboarded any new fire marshals</p> <p>10 during the brief time that Joe had no</p> <p>11 managers under him.</p> <p>12 Q. When the hospital does</p> <p>13 construction, was Joe responsible for</p> <p>14 walking the construction area and</p> <p>15 assessing any impact on Fire Safety?</p> <p>16 A. The Fire Safety Department is.</p> <p>17 So, again, in absence of no other manager,</p> <p>18 that is Joe, unless he were to direct that</p> <p>19 to any one of the 17 fire marshals to do</p> <p>20 it in his place.</p> <p>21 Q. Is that something a fire marshal</p> <p>22 can do?</p> <p>23 A. Yes.</p> <p>24 MR. CLARK: Objection to form.</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 245</p> <p>1 M. ROCHE</p> <p>2 a -- in a Fire Safety sense?</p> <p>3 Q. Did they change in a way that</p> <p>4 would have impacted Fire Safety in any</p> <p>5 way?</p> <p>6 A. We were involved -- I mean, we</p> <p>7 were kind of the epicenter of the New York</p> <p>8 City outbreak. We worked with charity</p> <p>9 organizations to build a hospital in</p> <p>10 Central Park, so there was a lot of things</p> <p>11 that occurred which are out of the</p> <p>12 ordinary from a day-to-day basis.</p> <p>13 I don't believe that his</p> <p>14 involvement in that specific -- related to</p> <p>15 the -- the Central Park hospital, I don't</p> <p>16 think he was involved in that. And I</p> <p>17 can't think of any other ways that they</p> <p>18 would have changed specific to Fire</p> <p>19 Safety, you know, other than wearing</p> <p>20 masks, like everyone else did, other than</p> <p>21 being careful and cleaning, like everyone</p> <p>22 else did.</p> <p>23 Q. When -- when the hospital</p> <p>24 erected the hospital in Central Park, was</p> <p>25 that in a tent?</p>

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1 M. ROCHE
2 A. Yes.
3 Q. So who addressed the Fire Safety
4 concerns for the tent and the people who
5 would be in it?
6 A. Myself and Chris Hariegel.
7 Q. So Joe did not advise or get
8 involved at all in Fire Safety concerns
9 for these tent facilities?
10 A. We asked Joe to call the vendor
11 and order, I don't know, 50 fire
12 extinguishers. He did that. We may have
13 asked -- we may have asked his marshals to
14 provide a training to the employees in the
15 tent, but beyond that, I can't think of
16 any substantial way that he was involved.
17 Q. Are you and Chris Hariegel Fire
18 Safety experts?
19 A. We are --
20 MR. CLARK: Objection to form.
21 Q. Hmm?
22 A. Chris and I are more experienced
23 in Fire Safety than Joe Pasquarello is,
24 yes.
25 Q. So you were able to assess all

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1 M. ROCHE
2 the Fire Safety needs of these tent
3 facilities without input from Joe
4 Pasquarello; is that what you're saying?
5 A. Yes.
6 Q. Were there any new -- excuse me.
7 Were there any new code requirements that
8 were established because of COVID?
9 A. In Fire Safety?
10 Q. Yes.
11 A. -- aware.
12 THE COURT REPORTER: Can you
13 repeat that, sir?
14 A. I said I am not aware of any.
15 Q. But you trusted your own
16 judgment to make Fire Safety assessments
17 without knowing if there were any new code
18 requirements?
19 MR. CLARK: Objection to form.
20 A. So that's not the question you
21 asked. You asked are there any? I'm
22 considering that to be a present day
23 question, which I said I was not aware of.
24 If your question is related to
25 December or January of 2020, were there

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1 M. ROCHE
2 any? Then the answer, with certainty, is
3 no.
4 Q. Did Joe Pasquarello have any
5 other responsibilities that we haven't
6 discussed yet or that are not listed on
7 the job description?
8 A. None that immediately come to
9 mind, but we do have, you know, a very
10 quickly changing environment. It's not
11 uncommon for somebody to be asked to take
12 something on.
13 Q. Okay. I'm sorry. I'm losing my
14 voice here. Do you recall having a
15 conversation with Joe at some point in May
16 about his performance in the Fire Safety
17 Department?
18 A. Yes, I do.
19 Q. I think -- I'm sorry. I think
20 you mentioned one conversation on May 25,
21 2021; is that correct?
22 A. That's -- yes. That's correct.
23 Q. Do you recall that this
24 conversation was later the subject of one
25 of Joe's complaints to HR?

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1 M. ROCHE
2 MR. CLARK: Objection to form.
3 A. I recall that the conversation
4 was related to two failures to complete
5 job duties and that it ultimately led to a
6 progressive counseling.
7 Q. Did you have another
8 conversation with Joe Pasquarello prior to
9 that where you also informed him of his
10 failure to meet certain expectations?
11 A. It's very likely that I did, but
12 no specific conversation comes to mind.
13 Q. I'm sorry. I'm going to
14 specify. In -- in that same month, in
15 May, was there another conversation that
16 predated the May 25th conversation where
17 you and Joe Pasquarello were discussing
18 your concerns about his performance?
19 A. There likely was. No specific
20 conversation comes to mind.
21 Q. Okay. And in May of -- on
22 May 25, 2021 or in May of 2021 -- strike
23 that.
24 At that point, did you want Joe
25 Pasquarello to resign?

<p style="text-align: right;">Page 250</p> <p>1 M. ROCHE</p> <p>2 A. No.</p> <p>3 Q. Did you -- I apologize. Did you</p> <p>4 alert Joe that you thought his time in the</p> <p>5 department was limited?</p> <p>6 A. Looked at Joe. That -- I did</p> <p>7 not think that he was adequately</p> <p>8 performing. I thought that there -- I</p> <p>9 told him that I think that there have been</p> <p>10 continuous issues since he got there, that</p> <p>11 I had kind of cut him a little bit of</p> <p>12 slack due to, you know, training and</p> <p>13 onboarding and being a new employee, a</p> <p>14 little bit more during COVID. We went to</p> <p>15 a week on, week off rotation. And that</p> <p>16 ever since then, which had been at least a</p> <p>17 year in continuous full schedule, I hadn't</p> <p>18 seen improvement and that I didn't -- I</p> <p>19 didn't see, based on what he had showed me</p> <p>20 to that point, any ability to improve.</p> <p>21 MR. CLARK: Leah, at a</p> <p>22 convenient time, can we take a short</p> <p>23 break?</p> <p>24 MS. SELIGER: Yeah. Actually,</p> <p>25 now would be a great time because I</p>	<p style="text-align: right;">Page 252</p> <p>1 M. ROCHE</p> <p>2 A. It was reviewed by Human</p> <p>3 Resources and issued by me.</p> <p>4 Q. Okay. Who -- who wanted to</p> <p>5 issue Joe a progressive counseling at this</p> <p>6 time?</p> <p>7 A. Who wanted to issue him one?</p> <p>8 Q. Correct.</p> <p>9 A. So I -- I was his direct</p> <p>10 manager. I felt that his performance was</p> <p>11 lacking and that it would be appropriate</p> <p>12 to issue him a counseling.</p> <p>13 Q. Okay. And is it true that you</p> <p>14 identified two specific items that you</p> <p>15 thought were worthy of progressive</p> <p>16 counseling?</p> <p>17 A. This progressive counseling</p> <p>18 contains two specific incidents for which</p> <p>19 he was counseled.</p> <p>20 Q. And can you take a look at the</p> <p>21 first incident? There's a paragraph with</p> <p>22 the number one before it in the "Detailed</p> <p>23 Account" section. Can you tell --</p> <p>24 A. Yes.</p> <p>25 Q. -- me what -- what you were</p>
<p style="text-align: right;">Page 251</p> <p>1 M. ROCHE</p> <p>2 wanted to quickly create an exhibit</p> <p>3 that has the PIP in it.</p> <p>4 MR. CLARK: Okay. So is ten</p> <p>5 minutes enough time for you?</p> <p>6 MS. SELIGER: Ten minutes is</p> <p>7 fine.</p> <p>8 MR. CLARK: Okay. Thank you.</p> <p>9 MS. SELIGER: Sure.</p> <p>10 (A recess was taken.)</p> <p>11 Q. So Mr. Roche, I'm going to ask</p> <p>12 you to open up Exhibit 19, which I think</p> <p>13 your attorney recently sent to you.</p> <p>14 A. Okay. I have it open now.</p> <p>15 Q. Okay.</p> <p>16 MS. SELIGER: I'd like to mark</p> <p>17 this as Exhibit 19 for the record.</p> <p>18 [The document was hereby marked</p> <p>19 as Plaintiff's Exhibit 19 for</p> <p>20 identification, as of this date.]</p> <p>21 Q. And can you, Mr. Roche, tell me</p> <p>22 what this is?</p> <p>23 A. This is a counseling report that</p> <p>24 was issued to Joe Pasquarello.</p> <p>25 Q. By who?</p>	<p style="text-align: right;">Page 253</p> <p>1 M. ROCHE</p> <p>2 writing up Joe Pasquarello for in that</p> <p>3 paragraph?</p> <p>4 A. Yes. So the rule violated, if</p> <p>5 it matters, is neglect of job duties and</p> <p>6 responsibilities where gross neglect is</p> <p>7 not involved. This specific event, there</p> <p>8 were two. The first one is failure to</p> <p>9 notify our insurance provider that the</p> <p>10 fire pump was being taken out -- taken out</p> <p>11 of service.</p> <p>12 Q. And was that the first time that</p> <p>13 someone in Fire Safety had neglected to</p> <p>14 alert the insurance company that the</p> <p>15 system would be offline?</p> <p>16 A. The first time ever?</p> <p>17 Q. The first time in your</p> <p>18 experience with Mount Sinai Hospital?</p> <p>19 A. No, it was not.</p> <p>20 Q. Had it ever happened while you</p> <p>21 were in the position you had at that time?</p> <p>22 MR. CLARK: Objection to form.</p> <p>23 A. It had happened previously. I</p> <p>24 believe I was in my current role, but I</p> <p>25 don't know the specific date. It was a</p>

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1 M. ROCHE
2 while back, yes.
3 Q. Do you remember who was
4 involved?
5 A. I do not.
6 Q. Do you know if the person who
7 neglected to call the insurance company
8 was written up?
9 A. I do not.
10 Q. Would that person -- wasn't that
11 person a Fire Safety person?
12 A. (Inaudible.)
13 THE COURT REPORTER: I'm sorry.
14 One more time, sir.
15 A. Yes.
16 Q. Do you remember how long ago it
17 happened?
18 A. I do not.
19 Q. But you think it's while you
20 still had the title that you had at the
21 time that Joe was at Crothall?
22 A. Could you restate that question?
23 Q. Sure. In any time previous to
24 this incident in May of 2021, did you
25 write up an employee or advise that an

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1 M. ROCHE
2 employee be written up for failing to
3 notify the insurance company of an
4 impairment to the fire system?
5 A. I don't believe there was any
6 case where an employee was previously
7 written up for this occurrence. In this
8 specific occurrence, it's a little bit
9 different than what happened previously.
10 This occurrence happened shortly after a
11 new procedure was set up to document how
12 we have had to notify the insurance
13 company.
14 It did happen in the past, but
15 at that point, that manager was never
16 trained or informed of the fact that it
17 happened. Joe does not fall into that.
18 Prior to this event, we had the
19 discussion. They happened to have been
20 successfully doing it for a while, and
21 this was a failure to do that.
22 Q. I think I lost you somewhere
23 with the this and that, but I think you
24 said at some point, there was a change in
25 the procedures about notifying the

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1 M. ROCHE
2 insurance company? Is that what you said?
3 A. There was a procedure put
4 together to document how it's supposed
5 to -- the notification process. So when a
6 -- a procedure was put together to say
7 that when the fire pump is being taken out
8 of service, the fire department must be
9 contacted and the insurance company must
10 be contacted. That new procedure was
11 written under Joe Pasquarello's tenure
12 here. It was followed for some time and
13 this is an event where it was not
14 followed.
15 Q. Who wrote that procedure?
16 A. That was either Joe or Ron
17 Kanterman. I don't know specifically who.
18 Q. And that revision was done prior
19 to this event?
20 A. What revision?
21 Q. The revision to the procedure.
22 Was that done prior to the event that Joe
23 was written up for?
24 A. There was no revision to the
25 procedure. It was -- it was a brand new

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1 M. ROCHE
2 procedure that was produced under Joe's
3 leadership.
4 Q. Okay. And was that new
5 procedure created prior to this event?
6 A. It was discussed prior to the
7 event. I believe they -- that Joe and/or
8 Ron better documented it immediately
9 following this event.
10 Q. When you say "it was discussed,"
11 can you tell me who discussed it?
12 A. I discussed it with Joe.
13 Q. And -- and when did you discuss
14 putting in place a new procedure for
15 alerting the insurance company?
16 A. -- specific date.
17 THE COURT REPORTER: Can you
18 repeat that, sir?
19 A. I said I don't know the specific
20 date. Previously, we received a report
21 from the insurance company recommending
22 that as a new procedure. We then enacted
23 that new procedure. That all occurred
24 prior to this date.
25 Q. There was a communication from

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1 M. ROCHE
2 the insurance company prior to this date
3 asking that you create a new procedure for
4 notifying them?
5 A. Yes.
6 Q. And who did they send that
7 communication to?
8 A. That would have been sent to
9 myself and John Barton most likely.
10 Q. So how did Joe Pasquarello know
11 about it?
12 A. Because I reviewed the entire
13 report with Joe Pasquarello.
14 Q. And who sent that report?
15 A. The insurance company.
16 Q. What is the insurance company
17 called?
18 A. FM Global.
19 Q. And can you recall, even, you
20 know, to the best of your ability, when
21 that communication came in?
22 A. No. What I can recall is that
23 they inspect our site at least annually.
24 There was previously, let's say 2019 or
25 before 2019, there was a recommendation to

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1 M. ROCHE
2 enact that procedure of notifying them.
3 There was sometime where they came back
4 for a follow-up visit and they
5 acknowledged that that procedure had been
6 in place. And on May 6th, they came back
7 again and found the fire pump offline and
8 they had not been notified.
9 Q. When did they, meaning the --
10 meaning FM Global, acknowledge that the
11 new procedure had been in place?
12 A. Probably -- so they come
13 annually. Honestly, I don't know, but if
14 they were there in May of 2021, they were
15 most likely there in May of 2020. I would
16 assume that's when they removed that
17 recommendation from their report.
18 Q. Sorry. When would they have
19 removed what recommendation?
20 A. In May of 2020 is when they
21 would probably have removed the
22 recommendation that we had to -- that we
23 had to notify them because they would have
24 acknowledged that we had been notifying
25 them.

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1 M. ROCHE
2 Q. Okay. Did this incident cause
3 any change to the company's insurance
4 premium with FM Global?
5 A. Not for Crothall. The -- the
6 insurance is under Mount Sinai Hospital
7 and I don't review those fines. I'm
8 sorry. Premiums. It did negatively
9 impact our score for which the premiums
10 are based upon.
11 Q. And how do you know that?
12 A. It says it in the document.
13 They -- they define what the risk score
14 is, what impacts the risk score, and what
15 the risk score means for premiums.
16 Q. And so did you see the
17 hospital's risk score prior to this event
18 and then you saw that risk score after the
19 event?
20 A. I've seen all of them, yes.
21 Q. And were you told that the risk
22 score was negatively impacted by this
23 specific event?
24 A. That's documented in the -- in
25 the report; that the risk has increased

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1 M. ROCHE
2 because of our failure to follow that --
3 their recommended procedure.
4 Q. And what changed as a
5 consequence of that?
6 A. You already asked me that and I
7 said I don't know.
8 Q. So as far as you know, there
9 could have been no change to the premiums?
10 A. What I know is that our risk
11 increased and their premiums are based on
12 the risk.
13 Q. Do you know if the risk
14 increased the last time you saw that the
15 insurance company had not been notified of
16 an impairment?
17 A. Ask that again?
18 Q. We discussed a previous incident
19 where the fire -- the insurance company
20 was present and saw that an impairment had
21 not been reported to them. Did you
22 observe that the hospital's risk score
23 went up in that incident as well?
24 A. I can't answer that with any
25 certainty. I'm not even sure that I was

<p style="text-align: right;">Page 262</p> <p>1 M. ROCHE</p> <p>2 in my current role when that initial</p> <p>3 report came out.</p> <p>4 Q. But as far as you know, other</p> <p>5 than this one incident and the one that</p> <p>6 you vaguely remember, the insurance</p> <p>7 company had never observed an impairment</p> <p>8 that -- that had not been reported to</p> <p>9 them?</p> <p>10 MR. CLARK: Objection to form.</p> <p>11 A. Could you -- could you just ask</p> <p>12 that one more time?</p> <p>13 Q. As far as you know, I guess</p> <p>14 during your tenure in the role that you</p> <p>15 had at this -- at this time -- I'm sorry.</p> <p>16 Can you just tell me what the title was</p> <p>17 again?</p> <p>18 A. My title?</p> <p>19 Q. Yeah.</p> <p>20 A. Senior director.</p> <p>21 Q. During your tenure as senior</p> <p>22 director, had you ever witnessed another</p> <p>23 time when the -- when the insurance</p> <p>24 company came to the hospital and observed</p> <p>25 an impairment that had not been previously</p>	<p style="text-align: right;">Page 264</p> <p>1 M. ROCHE</p> <p>2 direct reports to make sure that the</p> <p>3 insurance company is called for every</p> <p>4 impairment?</p> <p>5 A. I didn't have direct reports --</p> <p>6 the -- the only impairments that the</p> <p>7 insurance company cares about are fire and</p> <p>8 life safety impairments.</p> <p>9 Q. When Matt Bond was the assistant</p> <p>10 director of fire safety, did you</p> <p>11 specifically instruct him to make sure the</p> <p>12 insurance company was called for every</p> <p>13 impairment?</p> <p>14 A. I don't know the time period</p> <p>15 where we became aware of that requirement.</p> <p>16 After that requirement, it was reviewed</p> <p>17 and he was certainly aware of it.</p> <p>18 Q. And I think you said that after</p> <p>19 a certain point, the insurance company</p> <p>20 removed that requirement from the</p> <p>21 hospital; is that correct?</p> <p>22 A. That is --</p> <p>23 MR. CLARK: Objection to form.</p> <p>24 Q. So at the time --</p> <p>25 THE COURT REPORTER: I'm sorry.</p>
<p style="text-align: right;">Page 263</p> <p>1 M. ROCHE</p> <p>2 reported to them?</p> <p>3 A. What was the question?</p> <p>4 Q. Did you ever observe that</p> <p>5 happening in the past while you were a</p> <p>6 senior director?</p> <p>7 A. It's very common to observe --</p> <p>8 to have new findings. That's not the</p> <p>9 issue here. The issue here is that this</p> <p>10 finding was a result of negligence and</p> <p>11 failure to follow a procedure.</p> <p>12 Q. Who is -- who is responsible for</p> <p>13 calling the insurance company when there's</p> <p>14 a scheduled impairment?</p> <p>15 A. It's a Fire Safety impairment.</p> <p>16 Fire Safety is responsible for notifying</p> <p>17 the insurance company.</p> <p>18 Q. Does it matter who calls?</p> <p>19 A. It doesn't matter to me as long</p> <p>20 as it gets done. Ultimately, everything</p> <p>21 stops with Joe Pasquarello. If he assigns</p> <p>22 somebody under him to do it, that's fine,</p> <p>23 but it is his role to make sure and ensure</p> <p>24 that get -- that gets done.</p> <p>25 Q. Do you instruct all of your</p>	<p style="text-align: right;">Page 265</p> <p>1 M. ROCHE</p> <p>2 I apologize. Mr. Roche, please repeat</p> <p>3 your answer.</p> <p>4 A. That is correct.</p> <p>5 Q. And so at the time that this</p> <p>6 incident occurred, had they already put</p> <p>7 that requirement back on?</p> <p>8 A. No. This was the incident that</p> <p>9 required them to put it back on.</p> <p>10 Q. I want to go to the second item</p> <p>11 on the performance -- sorry -- progressive</p> <p>12 counseling, the same exhibit, Exhibit 19.</p> <p>13 Can you tell me what the second item</p> <p>14 concerns?</p> <p>15 A. Related to fire door testing.</p> <p>16 Q. And what was your particular</p> <p>17 concern with what Joe did?</p> <p>18 A. My concern with this one was</p> <p>19 that, again, Joe did not follow procedure</p> <p>20 and he did not track the deficiencies as</p> <p>21 they should be tracked, which is within</p> <p>22 TeamOps.</p> <p>23 Q. Did he address the deficiencies?</p> <p>24 A. Over what period of time?</p> <p>25 Q. How long was this fire door</p>

67 (Pages 262 - 265)

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1 M. ROCHE
2 project going on?
3 A. So all of the repairs that were
4 noted in that report have been addressed.
5 Q. That were noted in -- in what
6 report?
7 A. In the annual door inspection.
8 Q. So that was a 2020 annual door
9 inspection. So had he addressed all
10 the -- all the repairs for the fire doors?
11 MR. CLARK: Objection to form.
12 A. He addressed the repairs.
13 That's not the issue here. That's not why
14 he was written up. He was written up for
15 failing to follow the procedure, including
16 the -- the required documentation in order
17 to prove that all the deficiencies were
18 sufficiently tracked and we have a record
19 showing that.
20 Q. And do you need that record for
21 the Joint Commission?
22 A. Yes.
23 Q. And did Joe have any record of
24 the deficiencies and repairs that he had
25 been addressing?

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1 M. ROCHE
2 A. Joe had an inspection report
3 showing all the deficiencies and he had,
4 at a later date, a completion report
5 showing the completed repaired
6 deficiencies.
7 Q. Did he have any other
8 documentation that he used to manage the
9 repairs of the fire doors?
10 MR. CLARK: Objection to form.
11 A. He did not have the
12 documentation sufficient or -- sufficient
13 to show that we had an understanding of
14 which doors were opened at what date
15 between those two reports.
16 Q. So did he have some
17 documentation, just not the right
18 documentation, in your opinion?
19 MR. CLARK: Objection to form.
20 A. No. He definitely did not have
21 the right documentation. I can confirm
22 that. There were no work orders made. I
23 don't know if he had any other
24 documentation, but it's -- it's kind of
25 unrelated because it's not the right

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1 M. ROCHE
2 documentation.
3 Q. How long did that project go on?
4 A. Off the top of my head, I don't
5 know.
6 Q. Was it a matter of days or weeks
7 or months?
8 A. It was definitely more than
9 weeks. It was probably months, but again,
10 I don't know.
11 Q. Did you and Joe ever discuss
12 progress related to the fire door repairs?
13 A. Yes.
14 Q. And what did you discuss
15 regarding the fire doors?
16 A. The status of the repairs.
17 Q. And would Joe report to you the
18 status of the repairs?
19 A. (Inaudible.)
20 THE COURT REPORTER: Can you
21 repeat that, sir?
22 A. Yes.
23 Q. Did he ever show you the
24 documentation that he was using to keep
25 track of the repairs?

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1 M. ROCHE
2 MR. CLARK: Objection to form.
3 A. I'm really not sure. It would
4 help if you told me what documentation he
5 says that he had, but I don't -- I do not
6 recall seeing documentation. The only
7 thing I know for certain is that he did
8 not follow our process, which is to create
9 a work order in TeamOps.
10 Q. Did he ever tell you that he was
11 using a different system to track his
12 progress with the repairs of the doors?
13 MR. CLARK: Objection to form.
14 A. I don't remember the system he
15 was using or any conversations related to
16 it.
17 Q. When did the annual door
18 inspection repairs get completed?
19 A. Let me -- let me reread this
20 document.
21 Q. Sure.
22 A. Looks like the inspection was in
23 February of 2021 and the repairs were
24 completed sometime between then and the
25 first week of May.

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1 M. ROCHE
2 Q. I'm trying to understand the --
3 what's written here. It says:
4 "The annual fire door inspection
5 originally performed beginning July 2021,
6 completed in November 2020."
7 Is -- is there a typo somewhere?
8 A. Yes. That's a typo. It looks
9 like it -- it intended to be July 2020,
10 completed in November 2020.
11 Q. So the inspection finished in
12 November of 2020 and then after that, is
13 that when the repair project began?
14 A. No. To me, that looks like the
15 inspection began in July. The inspection
16 is only maybe a week worth of work. The
17 inspection is the easy part. The
18 inspection began in July. The repairs had
19 been completed in November, but no work
20 orders were made. At that point, we
21 reviewed the procedure that we require
22 with Joe to put in place and how to track
23 any deficiencies with work orders.
24 We then decided to, because we
25 did not have good documentation proving

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1 M. ROCHE
2 what happened, we did the annual test
3 again, which started in February of 2021.
4 The repairs were then done shortly after,
5 completed by May of 2021. And the
6 deficiency here is, again, he did -- he
7 failed to follow the procedure that we had
8 just reviewed with him.
9 Q. So when was he not using the
10 procedure? At what point?
11 A. Between -- well, at both points.
12 So he failed to use the procedure July '20
13 through November 2020. At that point, he
14 was, I don't want to say counseled, but I
15 guess retrained on what the expectation
16 is, how he needs to track the documents.
17 And because the documents were
18 in poor shape and we did not have work
19 orders showing our progress, we decided to
20 redo it. And then, again, in February,
21 between February and May, he again failed
22 to follow that process.
23 Q. In February and May of 2020?
24 A. Twenty-one.
25 Q. Ah. In February and May of

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1 M. ROCHE
2 2021. So it sounds like there was a long
3 process where he was managing the door
4 repairs and then there was a second
5 inspection, and then I think you said then
6 he was counseled on the appropriate way to
7 manage the documentation. When did that
8 occur, that --
9 MR. CLARK: Object -- objection
10 to form.
11 A. I don't -- I don't want to use
12 the word "counseled." Trained. He was
13 retrained on it. That occurred after
14 November of 2020. In between November of
15 2020 and February of 2021.
16 Q. And who trained him on that?
17 A. Myself, Bob Shaffer, Bobby
18 Denver. I believe that's it.
19 Q. Okay. I'd like to pull up
20 another exhibit. I'm done with this one
21 for now. Sorry. I'm just -- it's
22 Exhibit 18.
23 MS. SELIGER: I'd like to mark
24 this as Exhibit 18.
25 [The document was hereby marked

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1 M. ROCHE
2 as Plaintiff's Exhibit 18 for
3 identification, as of this date.]
4 Q. Let me know when you are able to
5 see it.
6 A. I'm looking at it right now.
7 Q. Can you tell me what you believe
8 these documents are?
9 A. I'm sorry. I'm just -- just
10 making sure I understand it. Just bear
11 with me.
12 Q. Sure.
13 A. So it looks like these are the
14 agendas that Joe provided for our weekly
15 meetings.
16 Q. Okay. And there are handwritten
17 notes. Do you recognize that handwriting
18 as yours?
19 A. Yes.
20 Q. So I think this exhibit is
21 organized in descending chronological
22 order, so I want, if you don't mind,
23 please scroll all the way to the second to
24 last page, page 18. Do you see that page
25 that's -- it says, "November 2, 2020" at

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1 M. ROCHE
2 the top?
3 A. November 2, 2020? Yes.
4 Q. Do you see under "Vendor
5 Management" where it says, "Fire Door
6 Solutions, phase one complete, should get
7 report this week with the phase two
8 quote"?
9 A. Yes.
10 Q. Is that related to the fire door
11 project that Joe was working on?
12 A. Yes.
13 Q. Did you and Joe discuss the fire
14 door project at that meeting?
15 A. Yes.
16 Q. If you scroll up to the previous
17 note or page 16, do you see near the
18 bottom where it says, "FLSD Plans," the
19 second -- the third bullet point, the
20 second white bullet point. It says:
21 "Break down of the remaining
22 doors from the last Brand report. I am
23 following up on it. Not satisfied with
24 what was provided. Asked Olympic to
25 supply a quote, still waiting."

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1 M. ROCHE
2 Do you see that?
3 A. Yes.
4 Q. Is that related to the same fire
5 door project?
6 A. It is related to fire doors. I
7 don't believe it's related to the same
8 fire door project because it references a
9 different vendor. The vendor it
10 references is Brand Services and the other
11 fire door provider was Fire Door
12 Solutions. He references them somewhere.
13 You'll see FDS.
14 Q. Okay. If you scroll up to the
15 previous entry, I'm looking for the first
16 page. It's page 12 of this exhibit. It's
17 dated December 22, 2020?
18 A. Yes, I see it.
19 Q. Do you see near the bottom of
20 that page, it's Bates stamped D660, where
21 it says, "Doors" in bold and it says:
22 "Working with FDS to close all
23 door issues and have staff trained by
24 venue [sic] -- vendor. Waiting for date
25 of next phase, parts on order."

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1 M. ROCHE
2 And then it says:
3 "Green - fully resolved doors,
4 no further attention is needed at this
5 time. Orange - parts ordered, to be
6 repaired at a later time," and "Red -
7 client will address needs -- client will
8 address, needs further attention."
9 Do you see that whole section?
10 A. Yes.
11 Q. Do you know what Joe is
12 referring to with the green, orange, and
13 red?
14 A. Yes. He's referring to the
15 report that we received from Fire Door
16 Solutions. They use kind of a
17 color-coding scheme to show you the status
18 of the doors.
19 It shows you green is completed
20 or working properly. Orange is that it's
21 not working properly and they need to
22 order parts. And red is either that it's
23 not working properly, maybe it's a bigger
24 issue, maybe they need to replace the door
25 or maybe they have something blocking the

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1 M. ROCHE
2 door, and the client, in this case Joe,
3 would need to directly address.
4 Q. So do you believe you discussed
5 all that at that meeting where this --
6 where these notes are listed?
7 A. So, clearly, he presented it to
8 me. I don't know what level of detail we
9 discussed.
10 Q. Okay. If you scroll up to page
11 ten of this document, it's a page -- D658.
12 A. Yes.
13 Q. Do you see, kind of a third away
14 from the bottom, where it says "Doors" in
15 black and then it says in blue, "Working
16 with FDS to close all door issues"?
17 A. Yes.
18 Q. What does that mean?
19 A. I think it means he's working
20 with Fire Door Solutions to close all the
21 door deficiencies.
22 Q. And so he likely reported that
23 to you?
24 A. It was presented to me, yes.
25 Q. I'm going to scroll up again.

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<p style="text-align: right;">Page 278</p> <p>1 M. ROCHE</p> <p>2 On page nine, again, near the bottom of</p> <p>3 the written section, it says:</p> <p>4 "FDS order all parts to complete</p> <p>5 all remaining doors and new finds will be</p> <p>6 back 2 to 15 [sic] to complete. 2021</p> <p>7 inspection to be scheduled for end of</p> <p>8 February or early March."</p> <p>9 Do you see that?</p> <p>10 A. Sorry. I lost you. We're on</p> <p>11 page ten or we're above that?</p> <p>12 Q. Sorry. Page nine. It's Bates</p> <p>13 stamped 657.</p> <p>14 A. Okay. On there, yeah. Three</p> <p>15 bullets up from the bottom. I see that</p> <p>16 line, yes.</p> <p>17 Q. Does it look like Joe gave you</p> <p>18 another update on the doors?</p> <p>19 A. Yes.</p> <p>20 Q. I'm going to ask you to scroll</p> <p>21 up again. Do you see on page four, it's</p> <p>22 Bates stamped D652, it's dated June 1,</p> <p>23 2021?</p> <p>24 A. Yes.</p> <p>25 Q. Do you see the last paragraph</p>	<p style="text-align: right;">Page 280</p> <p>1 M. ROCHE</p> <p>2 says:</p> <p>3 "Fire Door Solutions, two doors</p> <p>4 on order and two doors being checked by</p> <p>5 Brand."</p> <p>6 Is that -- is that related to</p> <p>7 the fire doors project that we were</p> <p>8 discussing?</p> <p>9 A. It appears to be, yeah. It</p> <p>10 appears that he's got two different</p> <p>11 vendors working on different issues, so</p> <p>12 I'm not sure which one is which, but,</p> <p>13 certainly, it's related to fire doors.</p> <p>14 Q. So would you agree that you</p> <p>15 received week -- regular updates on the</p> <p>16 door system? I mean, on the door repair</p> <p>17 project?</p> <p>18 MR. CLARK: Objection to form.</p> <p>19 Q. I'm sorry --</p> <p>20 A. -- received --</p> <p>21 Q. Sorry.</p> <p>22 A. I did receive updates and Joe</p> <p>23 was not counseled for a failure to provide</p> <p>24 updates.</p> <p>25 Q. Are you saying that he never</p>
<p style="text-align: right;">Page 279</p> <p>1 M. ROCHE</p> <p>2 that has a bullet point? It says:</p> <p>3 "At the meeting with Chris in</p> <p>4 February, it was agreed to add an</p> <p>5 impairment coordinator, a position I still</p> <p>6 believe will help the shop get to the next</p> <p>7 level. I submitted a draft of a job</p> <p>8 description back in February."</p> <p>9 Do you see that?</p> <p>10 A. I do, yes.</p> <p>11 Q. Did you and Joe discuss the</p> <p>12 impairment coordinator position at that</p> <p>13 meeting?</p> <p>14 MR. CLARK: Objection to form.</p> <p>15 Which meeting are we talking about?</p> <p>16 MS. SELIGER: The meeting that</p> <p>17 happened on June 1, 2021. This --</p> <p>18 these seem to be notes from June 1,</p> <p>19 2021.</p> <p>20 A. We addressed it on multiple</p> <p>21 occasions. Based on this, yes, it does</p> <p>22 look like we spoke about it on that day.</p> <p>23 Q. If you scroll up to page three,</p> <p>24 it looks like the notes from a June 8,</p> <p>25 2021 meeting. Right in the beginning, it</p>	<p style="text-align: right;">Page 281</p> <p>1 M. ROCHE</p> <p>2 showed you the documentation he was using</p> <p>3 or he never described his process of</p> <p>4 documenting the project?</p> <p>5 MR. CLARK: Objection to form.</p> <p>6 A. What you just showed me and what</p> <p>7 we just went through is not sufficient</p> <p>8 documentation by any means. It's very</p> <p>9 simplistically an update of where he's at.</p> <p>10 If you don't have work orders that go</p> <p>11 along with all of those repairs that are</p> <p>12 time stamped and show you when every</p> <p>13 specific door was completed, then it's</p> <p>14 irrelevant.</p> <p>15 Q. I understand that. I guess my</p> <p>16 question is in all of the updates that you</p> <p>17 were being provided, did Joe ever show you</p> <p>18 the documentation he was using for the</p> <p>19 project?</p> <p>20 A. Are you considering what we're</p> <p>21 looking at documentation?</p> <p>22 Q. No. I'm asking if he showed you</p> <p>23 the documentation he actually used?</p> <p>24 A. I think you --</p> <p>25 MR. CLARK: Objection to form.</p>

<p style="text-align: right;">Page 282</p> <p>1 M. ROCHE</p> <p>2 Go ahead.</p> <p>3 A. I think you asked me earlier if</p> <p>4 he used an alternate form of documentation</p> <p>5 and I think I answered that by saying I'm</p> <p>6 not sure what type of documentation he --</p> <p>7 he used.</p> <p>8 If you're -- if you're calling</p> <p>9 this documentation, then it's not</p> <p>10 sufficient and it -- it does not apply.</p> <p>11 If there was some other form, again, I</p> <p>12 don't know that. What I have reviewed</p> <p>13 with Joe were the initial inspection</p> <p>14 reports and the, ultimately, at the end,</p> <p>15 the completion reports.</p> <p>16 Q. And nothing else? No other</p> <p>17 documentation from him?</p> <p>18 A. So that's the third time you've</p> <p>19 asked me that. Again, I'll answer I don't</p> <p>20 recall any other type of documentation. I</p> <p>21 don't know how he was documenting it.</p> <p>22 Q. And then the final report,</p> <p>23 when -- when, again, was that received?</p> <p>24 A. Which final report?</p> <p>25 Q. The final inspection report?</p>	<p style="text-align: right;">Page 284</p> <p>1 M. ROCHE</p> <p>2 by stating that. After rereading that, I</p> <p>3 see that it was brought to my attention</p> <p>4 during that period. So to answer your</p> <p>5 initial question, I don't have the date</p> <p>6 where that was completed.</p> <p>7 Q. And how was it brought to your</p> <p>8 attention on May 10th or the week of</p> <p>9 May 10th?</p> <p>10 A. Most likely during a document</p> <p>11 review session on TeamDocs.</p> <p>12 Q. And who would you be doing that</p> <p>13 document review session with?</p> <p>14 A. Probably Joe Pasquarello, Robert</p> <p>15 Denver, and Bob Shaffer.</p> <p>16 Q. So would that have been the</p> <p>17 first time you realized that he was not</p> <p>18 using the proper documentation that</p> <p>19 Crothall requires?</p> <p>20 A. Most likely yes.</p> <p>21 Q. Okay. I want to quickly look at</p> <p>22 the performance improvement plan which</p> <p>23 starts on page two of Exhibit 19.</p> <p>24 THE COURT REPORTER: I'm sorry,</p> <p>25 Mr. Roche. Did you say something</p>
<p style="text-align: right;">Page 283</p> <p>1 M. ROCHE</p> <p>2 A. -- top of my head.</p> <p>3 THE COURT REPORTER: Can you</p> <p>4 repeat that, sir?</p> <p>5 A. I would have to look --</p> <p>6 THE COURT REPORTER: I'm sorry.</p> <p>7 A. I said I -- I said I don't know</p> <p>8 off the top of my head. I could look that</p> <p>9 up on TeamDocs, but that's not something</p> <p>10 that I have in front of me.</p> <p>11 Q. Do you remember -- I think</p> <p>12 you've already stated this -- when the --</p> <p>13 when the fire door inspection project was</p> <p>14 finally completed?</p> <p>15 MR. CLARK: Objection to form.</p> <p>16 A. There were multiple projects. I</p> <p>17 don't know which one you're referring to</p> <p>18 and I don't know when they were completed.</p> <p>19 Q. The -- the one that is the</p> <p>20 subject of this write up, this -- the</p> <p>21 first progressive counseling. When did</p> <p>22 that project end?</p> <p>23 A. I think I may have previously</p> <p>24 said that it was May 10th or the first</p> <p>25 week of May, and I believe that I misspoke</p>	<p style="text-align: right;">Page 285</p> <p>1 M. ROCHE</p> <p>2 there? I might have missed it.</p> <p>3 THE WITNESS: I was just</p> <p>4 acknowledging okay.</p> <p>5 Q. Okay. So just quickly, I'm --</p> <p>6 I'm looking at what I think is the first</p> <p>7 page of the performance improvement plan</p> <p>8 or -- no. I'm sorry. The second page of</p> <p>9 the performance improvement plan. And was</p> <p>10 this issued to Mr. Pasquarello on the same</p> <p>11 day as the progressive counseling?</p> <p>12 A. Yes, it was.</p> <p>13 Q. Okay. And I'm -- I'm noticing</p> <p>14 that it's called a Performance Improvement</p> <p>15 Plan and not a Performance Enhancement</p> <p>16 Plan. Why is that?</p> <p>17 MR. CLARK: Objection to form.</p> <p>18 A. So there's two ways to issue</p> <p>19 this -- these types of plans. One is if</p> <p>20 the associate is receiving a counseling</p> <p>21 along with this plan or if they've</p> <p>22 previously received counseling and are</p> <p>23 getting this plan as a result of that</p> <p>24 counseling or if this plan is being</p> <p>25 produced just as an improvement plan</p>

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<p style="text-align: right;">Page 286</p> <p>1 M. ROCHE</p> <p>2 without any deficiencies in their</p> <p>3 performance.</p> <p>4 Q. So you opted to issue it as a</p> <p>5 performance improvement plan?</p> <p>6 A. I felt that the two items noted</p> <p>7 were severe enough to reach that level.</p> <p>8 Q. And had you -- strike that.</p> <p>9 Let's go to the first item,</p> <p>10 "Timely completion and closing of all</p> <p>11 preventative maintenance tasks completed</p> <p>12 by a vendor or in-house Fire Safety</p> <p>13 staff." What was Joe not doing in this</p> <p>14 regard?</p> <p>15 A. I don't think that this implies</p> <p>16 there was something that he was not doing.</p> <p>17 Q. So there's -- and are you saying</p> <p>18 that this item is on the performance plan,</p> <p>19 but he wasn't actually -- he wasn't</p> <p>20 actually failing to accomplish this?</p> <p>21 MR. CLARK: Objection to form.</p> <p>22 A. He wasn't failing to accomplish</p> <p>23 it, but there was plenty of room for</p> <p>24 improvement.</p> <p>25 Q. Right now, with Bernie Nuñez as</p>	<p style="text-align: right;">Page 288</p> <p>1 M. ROCHE</p> <p>2 improved.</p> <p>3 Q. The next item looks like it</p> <p>4 concerns the F-89 certificate, and I think</p> <p>5 I have explored certificates plenty with</p> <p>6 you today, so I'm not going to bring it up</p> <p>7 again. The next item says:</p> <p>8 "Ensure all regulatory</p> <p>9 documentation for the previous month is</p> <p>10 received, reviewed, and uploaded to</p> <p>11 TeamDocs by the 10th of the current</p> <p>12 month."</p> <p>13 So am I understanding correctly</p> <p>14 that any regulatory documentation from</p> <p>15 month one would have to be uploaded into</p> <p>16 TeamDocs by the 10th of month two?</p> <p>17 A. Yes, that's correct.</p> <p>18 Q. And is regulatory documentation</p> <p>19 documentation of preventive measures?</p> <p>20 A. Some of it is.</p> <p>21 Q. Okay. And right now, under the</p> <p>22 direction -- while Fire Safety is under</p> <p>23 the direction of Bernie Nuñez, are all</p> <p>24 regulatory documents for the previous</p> <p>25 month being received, reviewed, and</p>
<p style="text-align: right;">Page 287</p> <p>1 M. ROCHE</p> <p>2 the director of Fire Safety, is he getting</p> <p>3 all of the preventative maintenance tasks</p> <p>4 completed and documented by the 25th of</p> <p>5 every month?</p> <p>6 A. I haven't requested that from</p> <p>7 him.</p> <p>8 Q. Let's look at the next -- the</p> <p>9 next item, "Attend all required meetings."</p> <p>10 I'm not going to read the whole thing. I</p> <p>11 think we discussed this already.</p> <p>12 When did you decide that putting</p> <p>13 meeting -- when did you decide that Joe</p> <p>14 had missed enough meetings that it was a</p> <p>15 performance concern?</p> <p>16 A. It had been an ongoing concern.</p> <p>17 While drafting this performance plan, I</p> <p>18 felt that it was warranted to include that</p> <p>19 statement.</p> <p>20 Q. Why at that time?</p> <p>21 A. Because it was an ongoing issue</p> <p>22 that had not improved even after me</p> <p>23 discussing with him of the issue. So I</p> <p>24 felt it best to document that issue in</p> <p>25 order to ensure that it approved --</p>	<p style="text-align: right;">Page 289</p> <p>1 M. ROCHE</p> <p>2 uploaded to TeamDocs by the 10th of every</p> <p>3 month?</p> <p>4 A. I don't believe so. This was</p> <p>5 not direction that I've given to Bernie</p> <p>6 because he hasn't shown me that he</p> <p>7 requires this type of micromanaging, if</p> <p>8 you will.</p> <p>9 This item came as a result of my</p> <p>10 experience with Joe and is specific to</p> <p>11 Joe. It was included as a way to ensure</p> <p>12 that he meets the requirements. Prior to</p> <p>13 this, it was not uncommon for it to take</p> <p>14 two or three months for him to upload</p> <p>15 data, which is not acceptable. If I felt</p> <p>16 that Bernie is going down that same path,</p> <p>17 I would correct that in a similar fashion.</p> <p>18 Q. And how did you know he wasn't</p> <p>19 uploading documentation for months at a</p> <p>20 time?</p> <p>21 A. Because I can check it in real</p> <p>22 time and see what's there.</p> <p>23 Q. And did Joe ever have managers</p> <p>24 who were assigned with keeping</p> <p>25 documentation, regulatory documentation</p>

<p style="text-align: right;">Page 290</p> <p>1 M. ROCHE 2 current in TeamDocs? 3 A. So I don't mean to be 4 repetitive, but I am going to say it 5 again. Joe was the assistant director of 6 Fire Safety, and Joe was ultimately 7 responsible for the actions of the Fire 8 Safety Department. If Joe assigned those 9 duties to a subordinate, Joe was also 10 responsible for ensuring that they got 11 accomplished. 12 Q. What if Joe was absent? Like 13 let's say he was on vacation or sick, who 14 is responsible for addressing these things 15 in his absence? 16 A. He set that up with -- ahead of 17 time. It's not uncommon for people to 18 review their, you know, if it's a planned 19 absence or even if it's unplanned, you 20 know, we're -- we're basically -- this 21 role is you're available almost 24/7. 22 It's a salaried position. 23 The expectation is you have your 24 duties covered. If you have to be out of 25 work for some time, the expectation is</p>	<p style="text-align: right;">Page 292</p> <p>1 M. ROCHE 2 uncommon for one person to ask another to 3 cover them for any type of meeting or 4 deadline or anything. So we have 33 5 people here. There were people that he 6 could have asked. 7 Q. Okay. So I'm going to go to the 8 next item. It says: 9 "Ensure life safety work orders 10 are created for all life safety 11 deficiencies by the next business day per 12 your current procedure." 13 Does that mean that Joe was 14 actually doing this and you're telling him 15 to continue? 16 MR. CLARK: Objection to form. 17 A. What it really means is that he 18 has a procedure, a written procedure in 19 place that he failed to follow on a fairly 20 regular basis. This was a way to document 21 that and ensure that it gets done 22 appropriately. 23 Q. Did you ever express to him that 24 he was not meeting your expectations with 25 respect to this item?</p>
<p style="text-align: right;">Page 291</p> <p>1 M. ROCHE 2 that you make arrangements sufficient to 3 stay compliant. 4 Q. And if you're out sick 5 unexpectedly, who is responsible for 6 meeting these conditions? 7 A. I have -- personally have 8 arrangements with other managers where if 9 I'm out, they'll know which meetings have 10 to get attended or what duties have to get 11 done. Many of the other managers have 12 similar arrangements. I don't know what 13 Joe's was. I presume he never took those 14 appropriate actions. 15 Q. Why do you presume that? 16 A. Because there were a number of 17 times where he was out and issues were 18 missed. 19 Q. And were all of those times when 20 he had managers to take on those 21 responsibilities? 22 A. There's always managers to take 23 on those responsibilities. Even if 24 they're within Engineering, it's a team 25 environment. I mean, it's -- it's not</p>	<p style="text-align: right;">Page 293</p> <p>1 M. ROCHE 2 A. Yes, regularly. And we had, 3 again, this item is directly related to 4 the door repair conversation we had where 5 he was not making work orders for new 6 deficiencies. 7 Q. And right now, do you require 8 Bernie Nuñez to ensure that life safety 9 work orders are created for all life 10 safety deficiencies by the next business 11 day? 12 A. Yes. 13 Q. And has he met that expectation? 14 A. Yes. 15 Q. The last one says: 16 "Ensure all urgent impact ISLM 17 are completed properly and closed out in 18 TeamOps within 24 hours." 19 Can you tell me what that means? 20 A. Yes. So that's -- that's 21 actually a typo. It should be ILSM, and 22 it stands for Interim Life Safety Measure. 23 Q. Mm-hmm. 24 A. And basically, what it's -- if a 25 deficiency is found, there needs to be an</p>

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1 M. ROCHE
2 immediate work order created identifying
3 that deficiency. And if it's for a life
4 safety system, which most of Fire Safety
5 is, there needs to be an assessment of
6 that work -- of what the impact of that
7 deficiency is. So there are different
8 measures that you can come up with,
9 depending on what the impact is.
10 If it's something simple, it
11 might be just staff training in that area
12 so that they're aware of it. Something
13 more permanent might require construction
14 or something to do immediately in order to
15 correct that deficiency.
16 What this comment is about is
17 once that life safety work order is made,
18 the Fire Safety Department has a
19 responsibility to -- to review that,
20 determine what the appropriate safety
21 measures are to make that area safe, and
22 document that in written form in a comment
23 on the work order.
24 Q. And that has to be completed
25 within 24 hours; is that correct?

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1 M. ROCHE
2 A. Yes.
3 Q. And what is the system that you
4 have that tracks how timely these urgent
5 impact I -- ILSMs are closed out?
6 A. The system is TeamOps.
7 Q. So you can -- are you able to
8 pull a report from any given period and
9 see whether or not these IL -- urgent
10 impact ILSMs were completed within
11 24 hours or 28 hours, et cetera?
12 A. Talking about historical data?
13 Q. Yeah.
14 A. So I believe you can. I haven't
15 personally done that. What I've done
16 is -- is pull the -- a current report to
17 show you what's currently open without a
18 comment.
19 We've also set up an automatic
20 notification where every morning, if
21 there's any -- any work orders that are in
22 that category and don't have a comment,
23 you'll immediately get an e-mail with that
24 information basically alerting you to log
25 in and go place a comment.

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1 M. ROCHE
2 Q. When did you set up that
3 notification?
4 A. Back in 2019, '18. It's been in
5 place I believe throughout Joe
6 Pasquarello's tenure.
7 Q. And does the notification come
8 to him or someone else?
9 A. It goes to him as well as other
10 people.
11 Q. Have you received any such
12 notifications since Joe Pasquarello left
13 Crothall?
14 A. Not to my knowledge.
15 Q. So there's never been an ILSM --
16 an urgent impact ILSM that was closed
17 later than 24 hours?
18 A. There's been plenty of work
19 orders, but there haven't been, again, to
20 my knowledge, new work orders without
21 comments. Bernie and Matt do a very good
22 job of putting a comment in on a -- in a
23 timely manner.
24 Q. But on the PIP here, was your
25 expectation -- it looks like your

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1 M. ROCHE
2 expectation was not to add comment, but to
3 close out in TeamOps within 24 hours.
4 MR. CLARK: Is that a question?
5 Objection to form.
6 Q. I'm asking if closing out the
7 urgent impact ILSM in TeamOps is different
8 than adding comments?
9 A. So it is, but bear with me
10 because it gets a little bit complicated
11 here.
12 So there's an original work
13 order for the issue. So let's say there
14 is a sprinkler that's out of service.
15 That's the work order. It has a work
16 order ticket number assigned to it, and
17 it's a life safety work order.
18 The next day that -- or
19 overnight, if that work order doesn't have
20 a comment, the system will automatically
21 issue a follow up work order that will
22 reference that work order number and it'll
23 say, "You haven't reviewed this yet. What
24 are -- what are the safety implications of
25 this issue?"

75 (Pages 294 - 297)

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1 M. ROCHE
2 And that's what an urgent impact
3 ILSM is. It's related to the initial work
4 order, but it's a different work order
5 number.
6 Q. And so when you add a comment to
7 the urgent impact ILSM, does that close it
8 out?
9 A. Yeah. So that's -- so you add a
10 comment and then you close it out. And
11 once that's done, that -- that basically
12 gets tagged back to the original work
13 order so the system won't continue to send
14 out those required notifications because
15 it's aware of the fact that you've already
16 commented on this, you've reviewed it, and
17 you're good. You might be working on a
18 repair, but there's no additional
19 immediate action needed.
20 Q. Okay. And can you just put in a
21 comment or do you have to inspect anything
22 or -- or do -- take any action prior to
23 adding a comment?
24 A. It depends on the issue.
25 There's -- there's some stuff that is

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1 M. ROCHE
2 descriptive enough for you to do it
3 without viewing it, but for most items,
4 you would have to see, you know, what --
5 what the occupancy of the space is, what's
6 the impact of not doing it. So the more
7 conservative approach is to actually go up
8 there and physically see it.
9 Q. So if it requires a physical
10 inspection and the Fire Safety director or
11 assistant director is not present, who
12 would be responsible for ensuring that the
13 urgent impact ILSM is addressed?
14 A. So they can be assigned to
15 anybody. They can -- they can be assigned
16 to any other manager, but more
17 appropriately, they should probably be
18 assigned to the fire -- fire marshals. We
19 have, you know, 17 fire marshals and
20 they're more than capable of reviewing a
21 safety condition.
22 Q. Was there ever a time when Joe
23 was absent and there were no managers
24 reporting to him?
25 MR. CLARK: Objection to form.

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1 M. ROCHE
2 A. I wouldn't be surprised if there
3 was.
4 Q. So I imagine these ILSMs come in
5 frequently; is that true?
6 MR. CLARK: Objection to form.
7 A. It depends on the time period.
8 If there's a lot of repairs coming due, if
9 it's -- if it's the time of the year or
10 month where a lot of preventative
11 maintenance tasks are being done, then
12 they would come in frequently. If it's,
13 you know, there's not a lot of work being
14 done, then no, it's not uncommon to go a
15 couple days without anything. It's also
16 not uncommon to go with multiples every
17 day.
18 Q. If your Fire Safety staff was
19 out for some reason, would you take
20 responsibility to make sure these urgent
21 impact ILSMs were addressed?
22 A. Would I personally?
23 Q. Yes.
24 A. Probably not. There are other
25 people that do review it and should be

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1 M. ROCHE
2 reassigning it.
3 Q. Would you instruct the ILSMs to
4 be reassigned?
5 MR. CLARK: Objection to form.
6 A. My goal is to make sure that
7 they're completed in a compliant way.
8 That would be what I would do if I -- I'm
9 sure it's happened. I may not have
10 noticed that, but my expectation is that
11 either a manager, supervisor, assistant
12 director within Fire Safety, and if none
13 of them, then a Work Control supervisor
14 would see that these are being issued,
15 nobody is responding [sic] -- responding
16 to them. Let me respond -- let me
17 reassign it to somebody else.
18 Q. So at the end of the day, if the
19 Fire Safety staff is not there, on whose
20 shoulders does it fall if certain ILSMs
21 are not addressed? Would that be your --
22 MR. CLARK: Objection --
23 objection to form.
24 A. Well, again, it goes back to I
25 think poor management on the -- on behalf

<p style="text-align: right;">Page 302</p> <p>1 M. ROCHE</p> <p>2 of the assistant director of Fire Safety.</p> <p>3 There should be a process in place to deal</p> <p>4 with exactly that.</p> <p>5 It's not my role as the senior</p> <p>6 director to go out and physically inspect</p> <p>7 every piece of equipment that is</p> <p>8 identified, but a more appropriate</p> <p>9 response would be to make sure to review</p> <p>10 it with the fire marshals if -- set up a</p> <p>11 process that's sustainable, that there's</p> <p>12 always somebody to do it.</p> <p>13 Q. And did you set up such a</p> <p>14 process?</p> <p>15 A. I --</p> <p>16 MR. CLARK: Objection to form.</p> <p>17 A. I have not held a role as the</p> <p>18 assistant director of Fire Safety.</p> <p>19 Q. Right. But ultimately, doesn't</p> <p>20 that assistant director of Fire Safety or</p> <p>21 director of Fire Safety report to you?</p> <p>22 MR. CLARK: Objection to form.</p> <p>23 A. Currently, the director of Fire</p> <p>24 Safety does. At the time, yes, Joe</p> <p>25 reported to me.</p>	<p style="text-align: right;">Page 304</p> <p>1 M. ROCHE</p> <p>2 A. Yes, I did.</p> <p>3 Q. And if you scroll to the second</p> <p>4 page of this exhibit, what is that?</p> <p>5 A. This second page is a specific</p> <p>6 work order which is a preventative</p> <p>7 maintenance task required to be closed.</p> <p>8 The target date on it is 6/30. Based on</p> <p>9 his improvement plan, it would be required</p> <p>10 to be closed a little before that -- that</p> <p>11 on June 25th.</p> <p>12 Q. Okay. And is this the work</p> <p>13 order that is cited in the second</p> <p>14 progressive counseling?</p> <p>15 A. It is one of the two items cited</p> <p>16 in the second progressive counseling.</p> <p>17 Q. And do you see where at the top</p> <p>18 of this page, which is Bates stamped</p> <p>19 CH953, where it says, "Reason," and it</p> <p>20 says, "Dry Sprinkler Pump Annual PM"?</p> <p>21 A. Yes.</p> <p>22 Q. Is this a work order for an</p> <p>23 annual preventive measure?</p> <p>24 A. Based on the task list where it</p> <p>25 says -- yes, it is. If you look right</p>
<p style="text-align: right;">Page 303</p> <p>1 M. ROCHE</p> <p>2 MS. SELIGER: Can we take a</p> <p>3 five-minute break just so I can see</p> <p>4 how much is left?</p> <p>5 MR. CLARK: Sure.</p> <p>6 MS. SELIGER: Okay. Thanks.</p> <p>7 (A recess was taken.)</p> <p>8 Q. I'd like to look at Exhibit 20,</p> <p>9 which I think, Mr. Roche, I think your</p> <p>10 attorney e-mailed that to you together</p> <p>11 with Exhibit 19.</p> <p>12 MS. SELIGER: I'm marking this</p> <p>13 as Exhibit 20.</p> <p>14 [The document was hereby marked</p> <p>15 as Plaintiff's Exhibit 20 for</p> <p>16 identification, as of this date.]</p> <p>17 A. Yes. Okay. I'm ready whenever</p> <p>18 you are.</p> <p>19 Q. Can you identify what this</p> <p>20 document is?</p> <p>21 A. So this looks like the -- a</p> <p>22 second progressive counseling for Joe</p> <p>23 Pasquarello.</p> <p>24 Q. And did you issue this</p> <p>25 progressive counseling to him?</p>	<p style="text-align: right;">Page 305</p> <p>1 M. ROCHE</p> <p>2 down below that, you have quarterly task</p> <p>3 list and on the next page starting at</p> <p>4 number 170, you have annual task list.</p> <p>5 Q. And --</p> <p>6 A. When the -- I'm sorry. But just</p> <p>7 to give you a little more context, in the</p> <p>8 annual, you would perform all of the</p> <p>9 quarterlies plus all of the annuals.</p> <p>10 Q. Meaning that they -- these items</p> <p>11 would all be due during the annual tests?</p> <p>12 A. Yes. So each -- each line</p> <p>13 there, starting with -- on the</p> <p>14 quarterlies, 30, 40, 50, each one of those</p> <p>15 is a separate task that you would</p> <p>16 complete. The way the system works is</p> <p>17 when it issues an annual, it does the</p> <p>18 quarterly with the annual so that you do</p> <p>19 the full -- all the annual tasks.</p> <p>20 Q. I'm not sure I understand that.</p> <p>21 A. So a preventative maintenance</p> <p>22 for this specific asset, which is the dry</p> <p>23 system compressor, gets issued four times</p> <p>24 per year. Three of those four, it gets</p> <p>25 issued only with the quarterly tasks and</p>

<p style="text-align: right;">Page 306</p> <p>1 M. ROCHE</p> <p>2 the numbers on this document would stop at</p> <p>3 line number 150. And once per year, it</p> <p>4 issues the complete task list for an</p> <p>5 annual PM, which goes down to 260, line</p> <p>6 260.</p> <p>7 Q. And the quarterly tasks, are</p> <p>8 those due by the end of each quarter?</p> <p>9 A. So the -- the work order gets</p> <p>10 issued on either the last day of the month</p> <p>11 or the first day of the following month,</p> <p>12 and it gives you 30 days to get those</p> <p>13 complete. Now, for a quarterly work</p> <p>14 order, that would be issued every three</p> <p>15 months.</p> <p>16 Q. And does the system send an</p> <p>17 alert to notify whoever needs to be</p> <p>18 notified that quarterly tasks are due?</p> <p>19 A. So we have -- the system --</p> <p>20 well, not -- not the system, but the Work</p> <p>21 Control supervisor routinely sends a list</p> <p>22 of all open PMs to all of the managers.</p> <p>23 Usually they do that at the beginning of</p> <p>24 the month, middle of the month, last week</p> <p>25 of the month, and then probably second to</p>	<p style="text-align: right;">Page 308</p> <p>1 M. ROCHE</p> <p>2 last day of the previous month.</p> <p>3 And you can further -- you can</p> <p>4 log into the system and go to that</p> <p>5 specific asset, which it says, "Dry System</p> <p>6 Compressor 36184." That's the barcode</p> <p>7 number that's on that specific compressor.</p> <p>8 You can type that into TeamOps and you can</p> <p>9 automatically have it issued to whomever</p> <p>10 is responsible for completing that.</p> <p>11 Q. And on the second page -- the</p> <p>12 second page of the work order, it looks</p> <p>13 like this was assigned to three people.</p> <p>14 Are all those people Fire Safety people?</p> <p>15 I know Joseph Pasquarello is, but at that</p> <p>16 time, were those three people Fire Safety</p> <p>17 people?</p> <p>18 A. So Wayne Thomas is assistant</p> <p>19 director for the School of Medicine. He</p> <p>20 oversees the Hess Building where this</p> <p>21 specific piece of equipment is. So we</p> <p>22 would commonly assign -- some of our</p> <p>23 buildings have managers that are</p> <p>24 responsible for just that building and</p> <p>25 some are just, you know, the shop or the</p>
<p style="text-align: right;">Page 307</p> <p>1 M. ROCHE</p> <p>2 last day and last day just to ensure that</p> <p>3 they all get closed before the end of the</p> <p>4 month.</p> <p>5 But outside of that notification</p> <p>6 process, every supervisor, manager,</p> <p>7 assistant director is familiar with</p> <p>8 TeamOps. They have their own login and</p> <p>9 they have their own queue of work orders</p> <p>10 that are assigned to them.</p> <p>11 Q. And who assigns the work orders</p> <p>12 to the specific departments? Is that the</p> <p>13 Work Control Department?</p> <p>14 A. So it's automated. Every work</p> <p>15 order is -- is assigned to a shop based on</p> <p>16 the type of equipment it's servicing. So,</p> <p>17 for example, this is a dry sprinkler</p> <p>18 compressor or a pre-action system, which</p> <p>19 is a fire sprinkler system.</p> <p>20 If you see on the first -- in</p> <p>21 the first box there, in the middle, it</p> <p>22 says, "Shop." It says shop is Fire</p> <p>23 Safety, so this automatically gets issued</p> <p>24 to the Fire Safety shop at the beginning</p> <p>25 of the month, or in this case, the -- the</p>	<p style="text-align: right;">Page 309</p> <p>1 M. ROCHE</p> <p>2 technical trade.</p> <p>3 Wherever we do have a geographic</p> <p>4 responsibility, we also assign them.</p> <p>5 Not that they're responsible to do it, but</p> <p>6 just so that if it's assigned to them, it</p> <p>7 will constantly show up in their queue and</p> <p>8 they'll know that it's still open at the</p> <p>9 end of the month. It's just an extra set</p> <p>10 of eyes.</p> <p>11 Q. All right. I am going to -- I</p> <p>12 am done with that exhibit, and just ask</p> <p>13 some questions.</p> <p>14 Do you recall having a</p> <p>15 conversation in about August of 2021 with</p> <p>16 Pat Lizarazo, Bernie Nuñez, and Joe</p> <p>17 Pasquarello about missing fire drills?</p> <p>18 A. Not specifically, no. Maybe you</p> <p>19 can help me refresh my memory?</p> <p>20 Q. Do you remember having a</p> <p>21 conversation with those people about</p> <p>22 document -- not the actual drills being</p> <p>23 missing, but the documentation of the fire</p> <p>24 drills not having been uploaded into</p> <p>25 TeamDocs?</p>

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1 M. ROCHE
2 A. Vaguely, but no, I don't
3 remember the specifics.
4 Q. Do you remember wanting to write
5 Joe up for a third progressive counseling
6 at any time for not uploading
7 documentation of fire drills?
8 A. What do you mean by "wanting
9 to"?
10 Q. Did you draft a third
11 progressive counseling and base it on not
12 having timely documented fire drills?
13 A. There -- he did have some
14 trouble meeting aspects of his improvement
15 plan and we did have conversations related
16 to issuing him further progressive
17 counseling, but I don't remember the
18 specifics about it. Ultimately, we did
19 not issue that counseling.
20 Q. Whose "we"?
21 A. Myself and HR. All the
22 counselings that are issued are first
23 approved through HR and then issued to the
24 employee by the manager.
25 Q. So do you recall not -- strike

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1 M. ROCHE
2 that.
3 Do you recall talking to Joe
4 Pasquarello with Pat Lizarazo about having
5 missed or about having not timely uploaded
6 fire drill documentation in August of
7 2021?
8 MR. CLARK: Objection. Asked
9 and answered. You can answer again.
10 A. So, again, I -- I do vaguely
11 remember a conversation. I don't remember
12 the specifics of that. What I remember
13 was that there was a deficiency that was
14 recognized for a failure to meet some
15 parts of that plan and, ultimately, the
16 decision was made to not issue a further
17 progressive counseling.
18 Q. Why is that?
19 A. I don't recall the specifics of
20 the circumstances. It could have been
21 related to what happened. It -- I don't
22 remember what it was related to.
23 MS. SELIGER: Shawn, I do have a
24 document. It's actually an exhibit
25 that you have used in prior

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1 M. ROCHE
2 depositions. I could e-mail it to you
3 now quickly just to refresh the
4 deponent's memory.
5 MR. CLARK: Sure.
6 MS. SELIGER: Okay. I'm sending
7 you what we can mark as Exhibit 21.
8 [The document was hereby marked
9 as Plaintiff's Exhibit 21 for
10 identification, as of this date.]
11 MR. CLARK: Okay. I got it.
12 Mike, I'm forwarding it to you.
13 THE WITNESS: Okay. I got it.
14 Q. Let me know when you've had a
15 chance to read through it.
16 A. Okay. I'm good. Thank you.
17 That's helpful and that does refresh my
18 memory.
19 Q. So were you ever -- were you
20 considering writing Joe up about these --
21 about the documentation for these fire
22 drills?
23 A. So this was a circumstance that
24 I felt was a deficiency according to his
25 plan. This document is not a progressive

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1 M. ROCHE
2 counseling document. It is a record of
3 conversation, so this is a document that
4 would generally be placed in somebody's
5 file. It's not related to discipline, but
6 it is -- the intention is to document a
7 conversation that took place. So in this
8 case, Joe failed to upload certain
9 documentation. So, yes, I do remember
10 this.
11 Q. And do you know who drafted this
12 document?
13 A. I believe it was me.
14 Q. And did you show it to Pat
15 Lizarazo or Joe to confirm its accuracy?
16 A. Yes. We had a meeting to review
17 this specific event.
18 Q. And after the meeting, did you
19 show them your account of it?
20 A. I certainly showed Patty and I
21 don't remember whether or not Joe saw
22 this. I presume he did. But I also
23 don't -- you know what? No. He most
24 likely did not review it. I don't think
25 it's typical that we would share that with

<p style="text-align: right;">Page 314</p> <p>1 M. ROCHE</p> <p>2 a person who is mentioned in this.</p> <p>3 Q. And had you considered writing</p> <p>4 him up for the deficiency that you</p> <p>5 discussed with him at this meeting?</p> <p>6 A. I had that conversation with</p> <p>7 Patty, who was, again, in HR. The feeling</p> <p>8 was that he -- he did not complete a task.</p> <p>9 His answer was that he thought somebody</p> <p>10 else was going to do it. I didn't think</p> <p>11 that was a sufficient answer. Patty</p> <p>12 agreed with that statement, but she didn't</p> <p>13 think it was -- that there was enough</p> <p>14 documentation to proceed with a</p> <p>15 counseling.</p> <p>16 Q. And did you recommend that</p> <p>17 Bernie Nuñez get counseled about the</p> <p>18 failure to upload the documentation to</p> <p>19 TeamDocs?</p> <p>20 A. I did an interview, obviously,</p> <p>21 with Joe. This is what that record of the</p> <p>22 conversation documents. I then followed</p> <p>23 up with an interview with Bernie, and he</p> <p>24 had a differing account of actually what</p> <p>25 happened. I reviewed that with HR and,</p>	<p style="text-align: right;">Page 316</p> <p>1 M. ROCHE</p> <p>2 mean regulatory tasks?</p> <p>3 Q. I mean their responsibilities.</p> <p>4 A. Specifically what?</p> <p>5 Q. The uploading of documents to</p> <p>6 TeamDocs. If one of Bernie's subordinates</p> <p>7 was late, in your estimation, to do that,</p> <p>8 would you hold Bernie responsible?</p> <p>9 A. If I gave him a deadline. In</p> <p>10 this case, Bernie did not have a deadline.</p> <p>11 Joe had a deadline and Joe failed to meet</p> <p>12 that deadline. Bernie did not -- was not</p> <p>13 deficient in any way.</p> <p>14 Q. What was Bernie's deadline for</p> <p>15 uploading documents into TeamDocs?</p> <p>16 MR. CLARK: Objection to form.</p> <p>17 A. There is no deadline.</p> <p>18 Q. He's allowed to upload them</p> <p>19 whenever he wants?</p> <p>20 MR. CLARK: Objection to form.</p> <p>21 A. So the expectation is that it --</p> <p>22 all the regulatory documentation gets</p> <p>23 uploaded in the following month. Again,</p> <p>24 we -- I think we discussed this before.</p> <p>25 The reason Joe was put on this</p>
<p style="text-align: right;">Page 315</p> <p>1 M. ROCHE</p> <p>2 ultimately, there was too much uncertainty</p> <p>3 to move forward with counseling for any</p> <p>4 party, in their opinion.</p> <p>5 Q. Did you create a similar record</p> <p>6 of your conversation with Bernie Nuñez</p> <p>7 about this deficiency?</p> <p>8 A. No. That -- that wouldn't be</p> <p>9 standard. It is standard to investigate</p> <p>10 the conversation, but this conversation</p> <p>11 took place as a result of a failure. So</p> <p>12 there was an excuse provided. It's -- it</p> <p>13 was my obligation to investigate the facts</p> <p>14 and whether or not that excuse held up.</p> <p>15 Ultimately, it was determined that it was</p> <p>16 uncertain.</p> <p>17 Q. Who was responsible for the Fire</p> <p>18 Safety Department in August of 2021?</p> <p>19 A. At that point, it would be</p> <p>20 Bernie.</p> <p>21 Q. If Bernie's subordinates were</p> <p>22 not meeting their tasks, did you hold him</p> <p>23 responsible to make sure that those tasks</p> <p>24 got done on time?</p> <p>25 A. When you say "tasks," do you</p>	<p style="text-align: right;">Page 317</p> <p>1 M. ROCHE</p> <p>2 plan is because we had gone three or</p> <p>3 four months without any documentation. So</p> <p>4 I was required to, you know, assign --</p> <p>5 further assign a deadline to ensure that</p> <p>6 it got done. Bernie did not have the same</p> <p>7 history of failures.</p> <p>8 Q. I'm sorry. You said that there</p> <p>9 were many months when Joe had no</p> <p>10 documentation and that's why he was put on</p> <p>11 the PIP; is that what you just said?</p> <p>12 A. No. There were -- I'm speaking</p> <p>13 specifically for that item related to</p> <p>14 uploading documentation by the 10th of the</p> <p>15 month.</p> <p>16 Q. All right. I am going to move</p> <p>17 on. I'm done with that exhibit. Have you</p> <p>18 actually -- have you ever heard Joe</p> <p>19 Pasquarello use the words "ticked off" or</p> <p>20 "blow it off"?</p> <p>21 A. He documented that I believe in</p> <p>22 a letter.</p> <p>23 Q. He did or you did?</p> <p>24 A. I know that I read it. I may</p> <p>25 have re -- recanted [sic] what he was</p>

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1 M. ROCHE
2 saying, but yes, I have.
3 Q. You've heard him use those
4 words? In -- in what context have you
5 heard him use those words?
6 A. It was related to him being
7 upset about an e-mail that was sent by
8 Matt Bond requesting assistance for a
9 certain task.
10 Q. Okay.
11 (Court reporter had connection
12 issues.)
13 THE COURT REPORTER: Hello? Can
14 anybody hear me?
15 MR. CLARK: We can hear you.
16 THE COURT REPORTER: Okay.
17 Sorry. I think I froze there. I'm
18 going to read again what I had last,
19 just in case here.
20 (Previous testimony was read.)
21 THE COURT REPORTER: And that's
22 the last thing I heard.
23 Q. Oh, boy. Okay. Do you have a
24 TV in your office?
25 A. (Inaudible.)

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1 M. ROCHE
2 THE COURT REPORTER: I'm sorry,
3 sir. Can you repeat that? I
4 apologize.
5 A. Yes.
6 Q. And what is the business need
7 for you to have a TV in your office?
8 MR. CLARK: Objection to form.
9 A. I'm not sure what you mean by
10 "business need."
11 Q. Do you need that television for
12 the work that you do?
13 A. No.
14 Q. Does Bobby Denver have a TV in
15 his office?
16 A. Yes.
17 Q. Does he need a television for
18 the work that he does?
19 A. I don't think anybody needs a
20 television for any reason. I think there
21 are benefits of having it, but.
22 Q. Okay. Does Ryan Nowicki have a
23 television in his office?
24 A. He does, yes.
25 Q. Does he need that television for

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1 M. ROCHE
2 his job?
3 A. I don't believe so.
4 Q. Does Doug Rome have a television
5 in his office?
6 A. So at the time, Doug Rome and
7 Bobby Denver shared an office.
8 Q. And neither of them had a need
9 for a television to do their job?
10 A. I don't think so, no.
11 Q. If one of your direct reports
12 did have a need for a television, would
13 you approve it?
14 MR. CLARK: Objection to form.
15 A. If I felt that the need was
16 justified, I would consider it. That
17 would have to be bought with Mount Sinai
18 finances, so that's not something that I
19 feel like would be an appropriate request
20 of funding.
21 Q. Were all of the TVs that we just
22 discussed purchased by Mount Sinai?
23 A. No.
24 Q. Were they recycled televisions?
25 A. Some were. None of them were

Page 321

1 M. ROCHE
2 purchased out of this department's funds.
3 Q. While Joe Pasquarello was
4 working at Crothall, were any of those TVs
5 hooked up during his tenure?
6 MR. CLARK: Objection to form.
7 A. Yes.
8 Q. Which one?
9 A. I would assume they all were.
10 Q. Meaning they all -- I'm asking
11 when they were initially hooked up, not --
12 MR. CLARK: Objection to form.
13 A. What do you mean by "hooked up"?
14 Q. Meaning were they installed and
15 allowed to become operative? I understand
16 you can have a television that's not
17 installed.
18 MR. CLARK: Objection to form.
19 You can answer.
20 A. So you're asking if the
21 televisions in their offices worked?
22 Q. I'm asking if they were
23 installed at any point during Joe
24 Pasquarello's tenure?
25 MR. CLARK: Objection to form.

<p style="text-align: right;">Page 322</p> <p>1 M. ROCHE</p> <p>2 A. I don't -- honestly, I do not</p> <p>3 know when the TVs were installed. It's</p> <p>4 possible that they were installed during</p> <p>5 his tenure and it's possible that they</p> <p>6 were installed prior to that.</p> <p>7 Q. Who would pay for that</p> <p>8 installation?</p> <p>9 A. Nobody would pay for it.</p> <p>10 Q. Does Crothall pay for installing</p> <p>11 a television?</p> <p>12 A. No.</p> <p>13 Q. So is it free to -- is it free</p> <p>14 to Crothall to take a hand-me-down</p> <p>15 television and install it into an</p> <p>16 employee's office?</p> <p>17 MR. CLARK: I'm sorry. Can we</p> <p>18 have that read back? I missed it.</p> <p>19 (Requested testimony was read.)</p> <p>20 MR. CLARK: Objection to form.</p> <p>21 You can answer.</p> <p>22 A. Yes.</p> <p>23 Q. Does Crothall have access to</p> <p>24 Mount Sinai Hospital's recycled or -- or</p> <p>25 recycled televisions or televisions that</p>	<p style="text-align: right;">Page 324</p> <p>1 M. ROCHE</p> <p>2 A. He told me he wanted to watch</p> <p>3 the news.</p> <p>4 Q. Why did he want to watch the</p> <p>5 news at work?</p> <p>6 MR. CLARK: Objection to form.</p> <p>7 A. That's a question I can't</p> <p>8 answer. Why does anybody want to watch</p> <p>9 the news?</p> <p>10 Q. Is it possible there were things</p> <p>11 going on in the news that impacted the</p> <p>12 work he does?</p> <p>13 MR. CLARK: Objection to form.</p> <p>14 A. Like fires on the news?</p> <p>15 Anything's possible.</p> <p>16 Q. Do you remember when he</p> <p>17 requested the television?</p> <p>18 A. I don't remember the specific</p> <p>19 date.</p> <p>20 Q. Did you instruct him to write a</p> <p>21 proposal or submit any documentation to</p> <p>22 you to make his request official?</p> <p>23 A. I don't remember that, but I'm</p> <p>24 not stating that it didn't happen.</p> <p>25 Q. Do you recall that Joe</p>
<p style="text-align: right;">Page 323</p> <p>1 M. ROCHE</p> <p>2 are no longer in use?</p> <p>3 A. There is not, like, a supply</p> <p>4 depot where they keep older TVs. No, I'm</p> <p>5 -- I'm not aware of any storage area for</p> <p>6 recycled TVs.</p> <p>7 Q. So where did these televisions</p> <p>8 for these employees come from?</p> <p>9 A. Probably construction projects</p> <p>10 when areas were being renovated and there</p> <p>11 was no longer a need. It was through</p> <p>12 contacts that might be getting on a floor</p> <p>13 somewhere that might have a bigger TV and</p> <p>14 they're getting rid of a smaller TV.</p> <p>15 Various ways.</p> <p>16 Q. Do you recall Joe Pasquarello</p> <p>17 requesting a TV in his office so that he</p> <p>18 could perform certain functions of his</p> <p>19 job?</p> <p>20 A. I recall him asking for a TV. I</p> <p>21 don't think that any of those were</p> <p>22 business related, as you mentioned</p> <p>23 earlier.</p> <p>24 Q. Did he tell you why he wanted</p> <p>25 the television?</p>	<p style="text-align: right;">Page 325</p> <p>1 M. ROCHE</p> <p>2 Pasquarello requested a large monitor to</p> <p>3 help him manage the fire marshal-related</p> <p>4 work?</p> <p>5 MR. CLARK: Objection to form.</p> <p>6 A. Yes. So that's -- that's a</p> <p>7 different item, right?</p> <p>8 Q. Correct.</p> <p>9 A. Yes. There was a request for</p> <p>10 two very large monitors to replace two</p> <p>11 existing whiteboards at a cost of</p> <p>12 approximately \$4,000. I was concerned</p> <p>13 that, aside from the price, just of what</p> <p>14 process -- what -- what exactly they would</p> <p>15 be used for and what the process would be.</p> <p>16 Q. Did Joe or his manager submit a</p> <p>17 proposal to you regarding the monitor they</p> <p>18 were requesting or that he was requesting?</p> <p>19 A. Yes.</p> <p>20 Q. And what did you do with the</p> <p>21 proposal?</p> <p>22 A. I read it and I had a lot of</p> <p>23 follow-up questions for Joe, very few to</p> <p>24 none of which he could answer, and I told</p> <p>25 him to come back to me when you have more</p>

<p style="text-align: right;">Page 326</p> <p>1 M. ROCHE</p> <p>2 information.</p> <p>3 Q. Did he come back to you at any</p> <p>4 point or did his manager come back to you</p> <p>5 at any point with answers or revisions to</p> <p>6 the proposal?</p> <p>7 A. He did come back to me with some</p> <p>8 of those answers. My specific question --</p> <p>9 so he intended to use those monitors to</p> <p>10 track shutdown requests, which is</p> <p>11 currently tracked on a whiteboard. He</p> <p>12 felt that it would streamline the process</p> <p>13 and make it so that they would perform</p> <p>14 better and not miss shutdowns.</p> <p>15 I agreed with them in theory and</p> <p>16 I wanted to figure out how they were going</p> <p>17 to operationalize it, who was going to be</p> <p>18 doing all of the inputting of the data,</p> <p>19 who would have access to it, how it was</p> <p>20 going to be connected. None of those</p> <p>21 questions could be answered by me. What</p> <p>22 -- what program they would be using, what</p> <p>23 -- what it would look like. You know,</p> <p>24 they -- they were not able to provide that</p> <p>25 level of information.</p>	<p style="text-align: right;">Page 328</p> <p>1 M. ROCHE</p> <p>2 A. It's about 50 pages. I can send</p> <p>3 it to you, but I'm not going to go through</p> <p>4 it.</p> <p>5 Q. What is it in -- in synopsis,</p> <p>6 not the actual step-by-step, but what --</p> <p>7 what is it used for?</p> <p>8 A. Purchasing.</p> <p>9 Q. And who uses it to make</p> <p>10 purchases?</p> <p>11 A. Anybody that needs a new item.</p> <p>12 Q. Why didn't Joe Pasquarello</p> <p>13 submit his proposal to the Mount Sinai</p> <p>14 Hospital purchasing system?</p> <p>15 MR. CLARK: Objection to form.</p> <p>16 A. Because his -- it was not</p> <p>17 approved.</p> <p>18 Q. By who?</p> <p>19 A. Which item are we talking about?</p> <p>20 The monitors or his TV?</p> <p>21 Q. The monitor?</p> <p>22 A. The monitors was not approved by</p> <p>23 me.</p> <p>24 Q. Did he know that he could make</p> <p>25 submissions to the Mount Sinai Hospital</p>
<p style="text-align: right;">Page 327</p> <p>1 M. ROCHE</p> <p>2 Q. Given that you agreed that it</p> <p>3 could be useful, did you suggest anything</p> <p>4 to them about how it could be best used?</p> <p>5 A. I told them that I didn't know</p> <p>6 what program that would be used, but I</p> <p>7 think I recommended that they reach out to</p> <p>8 IT and see if there's anything existing.</p> <p>9 Q. You -- you think you did or you</p> <p>10 did?</p> <p>11 MR. CLARK: Objection to form.</p> <p>12 A. I had a lot of conversations</p> <p>13 with them about this. My recommendation</p> <p>14 was to reach out to IT to see how it could</p> <p>15 be used.</p> <p>16 Q. Are you familiar with the Mount</p> <p>17 Sinai Hospital purchasing system or</p> <p>18 purchasing policy?</p> <p>19 A. Yes.</p> <p>20 Q. What is that?</p> <p>21 A. I don't understand the quest --</p> <p>22 you -- you want me to describe a policy?</p> <p>23 Q. Yeah. How does it work?</p> <p>24 A. It's about --</p> <p>25 MR. CLARK: Objection to form.</p>	<p style="text-align: right;">Page 329</p> <p>1 M. ROCHE</p> <p>2 purchasing system?</p> <p>3 MR. CLARK: Did Joseph know --</p> <p>4 objection to form.</p> <p>5 A. Joseph made many requisitions</p> <p>6 for purchase orders. He was familiar with</p> <p>7 the system. What you need to do in order</p> <p>8 to request a purchase order is have a</p> <p>9 proposal from a vendor. Joe didn't have</p> <p>10 that.</p> <p>11 Q. How do you know he knew about</p> <p>12 the Mount Sinai Hospital purchasing</p> <p>13 system?</p> <p>14 MR. CLARK: Objection to form.</p> <p>15 A. Because he -- he had made, I</p> <p>16 don't know, anywhere from fifty to a</p> <p>17 hundred different purchase orders over his</p> <p>18 tenure.</p> <p>19 MR. CLARK: Leah, it's 7:15. We</p> <p>20 started at 10:00 a.m. this morning.</p> <p>21 It's -- we've been on the record for</p> <p>22 well over eight hours at this point.</p> <p>23 I thought you said we were wrapping up</p> <p>24 soon. Do we have an estimate here?</p> <p>25 MS. SELIGER: Yeah. A few</p>

<p style="text-align: right;">Page 330</p> <p>1 M. ROCHE</p> <p>2 minutes.</p> <p>3 MR. CLARK: Okay. At some</p> <p>4 point, we're going to have to call it</p> <p>5 a day. It's been well over the</p> <p>6 seven-hour time limit.</p> <p>7 Q. I understand that Joe used that</p> <p>8 system for large purchases or for</p> <p>9 addressing expenses from vendors, but in</p> <p>10 terms of supplies or smaller purchases,</p> <p>11 did Joe know that he could use that system</p> <p>12 for smaller purchases?</p> <p>13 MR. CLARK: Objection to form.</p> <p>14 Are you asking the witness what Joe</p> <p>15 knew? Mike, you can answer if you</p> <p>16 know.</p> <p>17 Q. Was he told he could use that</p> <p>18 system for smaller purchases?</p> <p>19 A. There was a finance person that</p> <p>20 he could have worked with. But I think</p> <p>21 that the issue here is that he didn't use</p> <p>22 the system because the request was not</p> <p>23 approved by his manager.</p> <p>24 Q. Do all requests that go into the</p> <p>25 Mount Sinai Hospital purchasing system</p>	<p style="text-align: right;">Page 332</p> <p>1 M. ROCHE</p> <p>2 in the price range that you mentioned</p> <p>3 earlier, was your approval needed?</p> <p>4 A. I don't believe so.</p> <p>5 Q. Did you tell Joe that?</p> <p>6 A. Did I tell Joe that my approval</p> <p>7 would not be needed?</p> <p>8 Q. Yeah.</p> <p>9 A. No. Because I did not agree</p> <p>10 with the concept. He had an idea that had</p> <p>11 not been fully worked out. I told him,</p> <p>12 "Please come back to me when you work it</p> <p>13 out, and I'll make it happen."</p> <p>14 MS. SELIGER: I am done.</p> <p>15 MR. CLARK: Okay. I don't have</p> <p>16 any questions. I do want to put on</p> <p>17 the record, one, that Mr. Roche</p> <p>18 requests a copy of the transcript to</p> <p>19 review and revise as necessary, and</p> <p>20 two, that Defendants will be ordering</p> <p>21 their own copy of the transcript; not</p> <p>22 the original that should be served on</p> <p>23 Mr. Roche, but their own copy for</p> <p>24 their files.</p> <p>25 THE COURT REPORTER: Mr. Clark,</p>
<p style="text-align: right;">Page 331</p> <p>1 M. ROCHE</p> <p>2 have to be approved by a manager first?</p> <p>3 A. They all have to be -- there's a</p> <p>4 -- there's an approval hierarchy of</p> <p>5 specifically who they have to be approved</p> <p>6 by based on what it's for. Over a certain</p> <p>7 limit, everything has to be approved.</p> <p>8 Q. And was the cost of the monitor</p> <p>9 over the limit that required your</p> <p>10 approval?</p> <p>11 A. It would have required multiple</p> <p>12 manager approval. I don't think it would</p> <p>13 have required my approval.</p> <p>14 Q. What do you mean by "multiple</p> <p>15 manager approval"?</p> <p>16 A. Well, initially, it would have</p> <p>17 had to be approved -- submitted and</p> <p>18 approved by the finance person. Then</p> <p>19 there would be a director, and based upon</p> <p>20 the dollar amount, there might be a senior</p> <p>21 director, there might be a VP.</p> <p>22 Q. Are you saying all that would be</p> <p>23 needed for the purchase of a monitor?</p> <p>24 A. No.</p> <p>25 Q. So for a purchase of a monitor</p>	<p style="text-align: right;">Page 333</p> <p>1 M. ROCHE</p> <p>2 did you want to put the timing on</p> <p>3 there as well?</p> <p>4 MR. CLARK: Please, yeah. In</p> <p>5 light of the court appearance we have</p> <p>6 at the end of next week, we're asking</p> <p>7 for an expedited transcript. I think</p> <p>8 we discussed by Monday, if doable.</p> <p>9</p> <p>10 [TIME NOTED: 7:19 p.m.]</p> <p>11</p> <p>12 _____</p> <p>13 MICHAEL ROCHE</p> <p>14</p> <p>15 _____</p> <p>16 Subscribed and sworn to</p> <p>17 before me this _____</p> <p>18 day of _____, 2022.</p> <p>19</p> <p>20 _____</p> <p>21 Notary Public</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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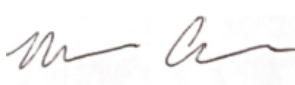
1			
2	I N D E X		
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4	WITNESS	EXAMINATION BY	PAGE
5	MICHAEL	LEAH SELIGER	5
6	ROCHE		
7	E X H I B I T S		
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9	EXHIBIT 1	COMPLAINT	34
10	EXHIBIT 2	D000251, CH1895,	78
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16	EXHIBIT 5	D000611 - D000626	126
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19	EXHIBIT 12	D000513 - D000522	227
20	EXHIBIT 13	CH1517 - CH1520	233
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1 ERRATA SHEET
2 VERITEXT LEGAL SOLUTIONS
3
4 CASE NAME: JOSEPH PASQUARELLO vs.
5 CROTHALL HEALTHCARE, INC., et al.
6 DATE OF DEPOSITION: AUGUST 5, 2022
7 WITNESS' NAME: MICHAEL ROCHE
8 PAGE/LINE(S)/ CHANGE REASON
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21 MICHAEL ROCHE
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2
3
4 CERTIFICATION
5
6 I, MELISSA COREAS, a Notary Public for
7 and within the State of New York, do
8 hereby certify:
9 That the witness whose testimony as
10 herein set forth, was duly sworn by me;
11 and that the within transcript is a true
12 record of the testimony given by said
13 witness.
14 I further certify that I am not
15 related to any of the parties to this
16 action by blood or marriage, and that I am
17 in no way interested in the outcome of
18 this matter.
19 IN WITNESS WHEREOF, I have hereunto
20 set my hand this 8TH day of AUGUST, 2022.
21
22
23
24
25


MELISSA COREAS

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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